

Alcohol, Entertainment & Late Night Refreshment Licensing Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Wednesday, 24 April 2024 at 10.00 am
Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)

Councillor Harrish Bisnauthsing, Councillor Helen Crawford, Councillor Steven Cunningham, Councillor Patsy Ellis, Councillor Paul Fellows, Councillor Jane Kingman, Councillor Robert Leadenhurst and Councillor Nikki Manterfield

Agenda

1. **Apologies for absence**
2. **Disclosures of interests**
Members are asked to disclose any interests in matters for consideration at the meeting.
3. **Minutes of the meeting held on 11 December 2023** (Pages 3 - 10)
4. **Licensing Act 2003: Application to transfer a Premise Licence - The Old Ship Inn, 22 High Street, Pointon, Sleaford, Lincolnshire, NG34 0LX.** (Pages 11 - 105)
Committee to determine an application to transfer a premises licence.

5. **Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

Minutes

Alcohol, Entertainment & Late Night Refreshment Licensing Committee

Monday, 11 December 2023



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)
Councillor Ashley Baxter
Councillor Helen Crawford
Councillor Paul Fellows
Councillor Robert Leadenham
Councillor Nikki Manterfield

Officers

Elizabeth Reeve, Chris Clarke, Licensing Officers
Mandy Braithwaite, Legal Advisor
Ayeisha Kirkham, Head of Public Protection
Lucy Bonshor, Democratic Officer

39. Apologies for absence

Apologies for absence were received from Councillor Bisnauthsing, Councillor Cunningham, Councillor Ellis and Councillor Kingman.

40. Disclosures of interests

None disclosed.

41. Minutes of the meeting held on 17 November 2023

The minutes of the meeting held on 17 November 2023 were proposed, seconded and **AGREED**.

42. Exclusion of Press and Public

It was proposed, seconded and **AGREED** to exclude the press and public in accordance with Section 100A (4) of the Local Government Act 1972 during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraphs 1 and 2 of the Act (as amended) would be disclosed to them.

43. **Licensing Act 2003: Review of Premise Licence - Following a Closure Order**

Decision

To revoke the Premises Licence in respect of Terries (Mega Lulupo Ltd), 23 Westgate, Grantham.

The Legal Advisor introduced those present and confirmed who would be speaking in respect of the application from Lincolnshire Police, Sergeant Adams (also present were PC Braithwaite and PC Jones) and the Premise Licence Holder and DPS, Mr Terry Flowers.

The Licensing Officer then presented exempt report ENV873 which concerned a review hearing following the notification of a Closure Order issued by Lincoln Magistrates Court for 23 Westgate, Grantham. The closure order had been made under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 and had been sought by Lincolnshire Police. The closure order was for a period of three months.

The closure order and review related to all four of the Licensing Objectives: -

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

The Licensing Authority was required to notify responsible authorities and other interested parties of the review and invite representations. Notification was emailed out on 29 November 2023 and a notice was placed at the premises by the licensing authority regarding the review as well as on the Council's website.

A representation was received from the Lincolnshire Police on 20 November 2023 detailed within exempt Appendix 2 parts A – R. CCTV footage and body worn camera footage of some of the incidents had been requested by the Premises Licence Holder.

The premises had been licensed under the Licensing Act 2003 since 2005. The current licence holder (Mega Luluop Ltd) had held the premise licence since 18 November 2022.

The Police then made their representation stating that the Police's job was to ensure that the licensing objectives were being upheld by those who held a premises licence. In respect of Terries this was not the case and it was stated that there were significant risks at the premises and all four of the licensing objectives were being undermined and these were outlined within the appended documentation to the report. Sergeant Adams then went through key events that had happened at the premise over the last year whilst Mr Flowers had been the Premises Licence Holder as well as the Designated Premises Supervisor (DPS). The Premise licence had conditions attached to it in March 2023, when the premise changed from a bar to a restaurant whereby alcohol could only be

served ancillary to food, conditions included an earlier closing time, Challenge 25, CCTV conditions and both a drugs and refusals policy.

The Police also detailed two compliance check visits to the premises which were failed by the staff present and also the fact that traces of drugs were found present at the premises. Reference was made to the objection to the TEN Notice in October 2023 when a counter notice was issued to stop a Halloween event from taking place due to the concerns that the Police had with the running of the premise. A drugs warrant had been successfully granted in October 2023 and executed and evidence of drugs found at the premise. The Police had no confidence in how the premise was being run and a closure order was applied for and granted on 29 November 2023. Officers had tried to speak with the Premise Licence Holder and offer guidance but rather than things improving they had declined and it was clear to the Police that the Licensing objectives were being undermined and they asked that the Premise Licence be revoked.

The Premise Licence Holder then made his representation stating that due to the tight time scale he had been unable to get a solicitor. He spoke about the tenant within the flat above the restaurant and the various problems that she had caused due to the nature of her work and matters which he believed were taking place in the flat involving drugs. He indicated that there was a lengthy procedure he had to follow to legally terminate the tenancy.

He gave his view on the key events highlighted by the Police and felt that the condition attached to the licence that alcohol could only be served with food was a draconian measure, no other restaurant in town had this condition.

He detailed each event and gave his view of what happened. He spoke of his wife's ill health and that this was his main focus. He had left the running of the business to two other employees. He also felt that he had not had enough support from the Police. He also stated that he had tried to make the restaurant a safe haven for children and the incident that happened involving a 13 year old he knew nothing about. He felt that he had tried his best and had put signs up asking people to leave quietly and although he had tried to instil conditions such as Challenge 25 with his employees this had not appeared to get through. He was at a point where he was putting the lease for the premise up for sale as he would not be running the restaurant again and would be focusing on his ill wife.

Following his representation Mr Flowers indicated that he was leaving the meeting. The Legal Advisor explained to Mr Flowers that the hearing was at the point where the Police, Members and Licensing Officer could ask questions. Mr Flowers still indicated that he would be leaving the hearing at this point. The Legal Advisor asked if there was anything further, he wished to put forward to the Committee and Mr Flowers indicated that he didn't want his licence, he felt that the conditions attached were draconian measures, he felt that the restaurant was finished and it (the restaurant) was too much trouble when his wife was in such poor health and to just take it (the licence). He left the meeting at 11:15.

(11:20 – 11:30 the meeting adjourned)

Following the adjournment, Members of the Committee were each given an intelligence pack by the Police which contained sensitive information in connection with the premises. These were collected back by the Police once Members had read the content. A question was asked about the intelligence grading contained within the sensitive information to which the Police responded.

The Committee were then shown CCTV and bodycam footage in respect of the events that were mentioned within the report so that they could see what actually took place in respect of the incidents referred to in the report.

The Licensing Officer then gave her closing statement. She reminded the Committee of the steps that should be considered for the promotion of the licensing objectives as outlined in the Licensing Act 2003 at section 167(6).

- Modify the conditions of the licence;
- Exclude a licensable activity from the licence;
- Remove the designated premises supervisor (DPS);
- Suspend the licence for a period not exceeding 3 months; or
- Revoke the licence.

The Police then gave their closing statement. It was clarified that a sexual assault had taken place. It was also stated that although letters had been sent that proceedings were not being progressed in respect of certain events outlined within the report this was due to lack of evidence to enable it to be taken further.

The Police stated that they had tried to support and advise Mr Flowers and they were fully aware of his personal situation, however, it was no excuse for the many failings taking place at the business. There were serious safeguarding issues which undermined the protection of children from harm licensing objective, serious failings in the promotion of the licensing objectives in respect of the prevention of crime and disorder, prevention of public nuisance and public safety.

Revised Guidance issued under Section 182 paragraph 11.23 stated that:

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

(12:00 the Licensing Officers and the Police left the meeting)
Members of the Committee discussed the information before them having regard to the review application, the representations made by both parties, the relevant parts of the Council's Licensing Policy, the Licensing Act 2003 and the statutory guidance. Members expressed serious concern about how the premises was being run and the failings in the promotion of the licensing objectives. They felt that the Police had been thorough in the evidence that they had put before the Committee in respect of the many incidents, some more serious than others, that had transpired in the premises. Although a stepped approach was discussed, it was felt that due to the nature of the incidents and what appeared to be no

respect for the licensing legislation and the undermining of the licensing objectives and the many breaches to the licensing conditions that the Committee had no alternative but to revoke the premise licence for Terries (Mega Lulupo Ltd), 23 Westgate, Grantham. On being put to the vote it was unanimously **AGREED** to revoke the Premise Licence.

(12:15 the Licensing Officers and the Police returned to the meeting).

The Legal Advisor read out the Committee's decision. Having regard to the review application and the representations made, the Committee had to determine whether to take any of the steps mentioned under Section 52(4) that it considered necessary for the promotion of the licensing objectives.

Taking into consideration the papers, evidence and submissions received and answers to questions, the Committee deliberated the different options available to them and the decision reached was to revoke the premises licence.

In reaching its decision, the Committee gave due consideration to: -

- The promotion of the licensing objectives as set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy.
- The Home Office Guidance issued under section 182 of the Licensing Act 2003.
- The Licensing Committee agenda pack for the application, (additional papers) camera footage from the Police and Sensitive intelligence pack from the Police and papers provided by the licence holder at the hearing.
- The oral representations made during the hearing.

In making its decision, the Committee considered, in particular, the following parts of the S182 Guidance:

- Section 2 of the guidance which makes reference to all four licensing objectives and details considerations to be taken into account in relation to these objectives. Licensing authorities should look to the police as the main source of advice on crime and disorder. Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the Licensing Act 2003.
- The committee have regard to those sections of the guidance referred to in the police representation.
- Section 11 of the guidance – *"The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."*
- *However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either*

orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

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

Section 11 of the Statutory S182 Guidance:

11.20 - in deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 - States that, for example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 - Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.24 - A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective

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

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

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

The Committee:

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

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

the local environment); and

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

(c) re-offending in its area

*(2) This section applies to each of the following—
a local authority*

- Took account of the evidenced cases of repeated incidents at the premises.
- The Committee was satisfied that the management was ineffective, repeated breaches of licence conditions demonstrated licence holders lack of understanding and ability to run the premises that will promote the licensing objectives.
- Found the incidences taking place at the premises as wholly unacceptable and clearly undermines all four licensing objectives.
- Were satisfied on the evidence that there had been sustained and significant breaches of licensing conditions and fire safety issues and that this undermined all the licensing objectives.
- Took into consideration the fact that the premises licence holder and members of staff had not tested positive to drugs.
- Noted that the licence holder had personal family medical issues but this was no excuse for operating the premises other than in accordance with the licensing objectives.
- They also noted that the revocation of the premises licence would be likely to harm the business and its employees.
- The crime prevention objective is not retrospective; it is concerned with the avoidance of harm in the future.

- Put weight on the fact that despite several attempts and assistance by the Police Licensing Team to work with the premises licence holder, the license holder refused to accept police concerns.
- Put weight on the fact that despite several attempts and assistance by the Police Licensing Team to work with the Premises Licence Holder, the License Holder refused to accept Police concerns in respect of drugs on the premises.
- Considered all the options open to them and noted that whilst the Committee had to consider what appropriate steps to take in respect of a review, such steps taken must also be proportionate. It recognised that a request for revocation of a licence was a major and severe step that had to be treated seriously, and that they had to consider whether there were alternative measures such as imposing conditions or adopting another sanction using its powers available to it under section 52 (4) of the Licensing Act 2003.
- They noted that the premises licence holder had a history of failure to comply with licensing conditions. They felt that given the history of repeated failings at the premises (significant breaches of conditions, fire safety issues) the premises suffers from either a lack of regard or poor management control and had no faith in the premises license holder being able to sustainably uphold the licensing objectives in the future.
- Due to the gravity of the situation and taking into account the promotion of all the licensing objectives, believed that other sanctions including the imposition of further or amended conditions or a suspension of the licence would be ineffective in the promotion of the licensing objectives.
- Accordingly, it was determined that the premises licence should be revoked.

There was a right of appeal to the Magistrates Court which must be made within 21 days of receiving written notice of the decision.

44. Close of meeting

The meeting closed at 12:25pm.



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Alcohol, Entertainment and Late-Night Refreshment Licensing Committee

24th April 2024

ENV 880

Report of Chris Clarke, Licensing
Officer

Licensing Act 2003: Application to transfer a Premise Licence

– The Old Ship Inn, 22 High Street, Pointon, Sleaford,
Lincolnshire, NG34 0LX.

Report Author: Chris Clarke – Licensing Officer

01476 406080

 licensing@southkesteven.gov.uk

Purpose of Report

Committee to determine an application to transfer a premises licence.

Recommendations

That the Alcohol, Entertainment and Late-Night Refreshment Committee consider this application to transfer a premise licence at a premise known as The Old Ship Inn, 22 High Street, Pointon, Sleaford, NG34 0LX, the views of the representations made by the responsible authorities bearing in mind the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Healthy and strong communities
Which wards are impacted?	All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

There are no specific financial implication associated with this report, however, in the event of an applicant, responsible authority or interested person making an appeal against a decision which was then subsequently upheld, the council may incur additional costs.

Legal and Governance

This is an application for a transfer of a premises licence under S42 of the Licensing Act 2003. The committee should consider whether the application is likely to impact on the promotion of the licensing objectives. In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representation (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Councils own statement of licensing policy.

Is an Equality Impact Assessment required? No

Community Safety

1.1 Community Safety implications will be considered in accordance with the licensing objectives and the duty to consider in accordance with S17 of the Crime and Disorder Act 1998

2. Background to the Report

2.1 On 12th March 2024 an application was received by the Licensing team to transfer a premise licence 5065 for The Old Ship Inn at the above location (**Appendix 1**). The application was processed and forwarded to all the responsible authorities.

2.2 Section 43 the Licensing Act 2003 provides a mechanism which allows the transfer to come into immediate effect as soon as the Licensing Authority receives it, until it is formally determined or withdrawn. The applicant has indicated on the application for the transfer to have immediate effect.

2.3 Statutory consultation was undertaken, with the consultation period of 14 days expiring on 26th March 2024

2.4 During the consultation period the authority received one representation, this was from Lincolnshire Police (**Appendix 2 A to G**), the reasons for representation are as follows: -

- Employment of illegal workers
- Breaches of the premise licence

2.5 No representations were received from any of the other responsible authorities, nor from any members of the public.

2.6 Section 182 Guidance issued by the Home Office relating to transfer of premises licence states:

8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

3. Key Considerations

3.1 Where relevant representations are made, the authority must:

- i. Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representation agree that a hearing is unnecessary, and
- ii. Having regard to the representations, take such steps mentioned below (if any) as it considers necessary for the promotion of the licensing objectives. The steps are:
- iii. Grant the application subject to conditions that are consistent with the operating schedule modified to the extent that the committee considered

appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003.

iv. Reject the whole or part of the application.

4. Reasons for the Recommendations

4.1 The licensing authority should give appropriate weight to;

- ❖ The steps that are appropriate to promote the licensing objectives.
- ❖ The representation (including supporting information) presented by the parties.
- ❖ The guidance issued under section 182 of the Licensing Act 2003.
- ❖ South Kesteven District Councils Licensing Policy.

4.2 The guidance issued under Section 182 of the Licensing Act 2003 states at 9.37 that;

“As a matter of practice, Licensing Authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation.

They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practical time limits.”

5. Consultation

5.1 Statutory 14 day consultation has taken place from 12th March 2024 until 26th March 2024. During this time one representation was received from Lincolnshire Police.

6. Background Papers

6.1 [Statement of Licensing Policy 1st April 2021](#)

6.2 [Guidance to Applicants](#)

6.3 [Guidance issued under section 182 of the Licensing Act 2003](#)

7. Appendices

7.1 Appendix 1 – Application to transfer a Premise Licence.
Appendix 2 – Representation from Lincolnshire Police.

Chris Clarke

From: Website
Sent: 09 March 2024 15:07
To: Licensing
Subject: Form Submission - Transfer a Premises Licence

Categories: Carrie

Submitted on Sat, 09/03/2024 - 15:06

Submitted by: Anonymous

Submitted values are:

Your Name
Chak27

Address
The Old Ship Inn
22 High /street
Sleaford, Lincolnshire. NG34 0Lx

Telephone Number
[REDACTED]

Email address
theoldshipinn@yahoo.com

Applicants name
Chak27

Premises licence number
5065

Does the premises have a postal address?
Yes

Premises address
22 High Street
Pointon
Sleaford, Lincolnshire. NG34 0Lx

Telephone number at premises
[01529 241117](tel:01529241117)

Description of premises
Public House

Name of current premise licence holder
8 Sail Inns Ltd

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

APPENDIX 1

Yes

I am making the application pursuant to a statutory function

No

I am making the application pursuant to a function discharged by virtue of her Majesty's prerogative

No

a) an individual or individuals

No

b) a person other than an individual

Yes

i. as a limited company/limited liability partnership

Yes

ii. as a partnership (other than limited liability)

No

iii. as an unincorporated association or

No

iv. other (for example a statutory corporation)

No

c) a recognised club

No

d) a charity

No

e) the proprietor of an educational establishment

No

f) a health service body

No

g) A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales

No

h) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England

No

i) the chief officer of police of a police force in England and Wales

No

j) Other (for example a statutory corporation)

No

Name of organisation

Chak27 (The Old Ship Inn)

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)
Company

Address

The Old Ship Inn
22 High /street
Sleaford, Lincolnshire. NG34 0LZ

Daytime contact number

[REDACTED]

Email address

theoldshipinn@yahoo.com

Are you the holder of the premises licence under an interim authority notice?

No

Do you wish the transfer to have immediate effect?

Yes

When would you like to transfer to take effect?

2024-03-08

I have enclosed the consent form signed by the existing premises licence holder?

No

Please give the reasons why not. What steps have you taken to try and obtain the consent.

I have been contacted by the previous premises licence holder, 8 Sail Inns Ltd, to say they have cancelled their premises licence and that I need to arrange to transfer it to my business. They have said they will email me a surrender notice which I can forward to you.

Do you agree to the condition(s) laid out in the above agreement?

Yes

Do you agree to forward the (original) existing premises licence?

No

Please give reasons why this is not possible?

We are not in possession of the existing premises licence

I declare that to the best of my knowledge the answers given in this application are true. I understand that the authority will check the information and that providing false information is a criminal offence.

Yes

Postal address for correspondence associated with this application:

The Old Ship Inn
22 High /street
Sleaford, Lincolnshire. NG34 0LX

Correspondence telephone number or email address

theoldshipinn@yahoo.com

Full Name of person submitting application

Alina Nisar

Applicant's position in the business:
Director

APPENDIX 1

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

5065



NOTES:
All dimensions must be checked on site and not scaled from this drawing.

FIRE OFFICER LEGEND:

- Exit sign, internally illuminated.
- Self-contained emergency light.
- Carbon Dioxide extinguisher capacity in kgs.
- Push bar to open.

A	Date	Revisions
---	------	-----------

© Copyright

Client
MR. & MRS. A. O'SHEA.

Job Title

LICENCING REQUIREMENTS
FOR THE OLD SHIP INN;
22 HIGH STREET, POINTON;
SLEAFORD.

Drawing Title		
SURVEY DRAWING		
Scale 1:100	Date Aug '05	Drawn BCD

Building Design Services
788 Abbey Road
Bourne
Lincs
PE10 8EN
Tel (01778) 393646

Drg. No. 2488/1	Rev.
--------------------	------

SOUTH KESTEVEN DISTRICT COUNCIL

This page is intentionally left blank



SOUTH
KESTEVEN
DISTRICT
COUNCIL

LICENSING ACT 2003

Statement of Licensing Policy

2021 - 2026

Table of Contents

Executive Summary.....	2
1. Introduction	3
2. Integrating other Guidance, Policies and Strategies	6
3. The Licensing Process.....	8
4. Licensing Objectives	9
5. Licensing Hours	15
6. Children and Licensed Premises.....	15
7. Cumulative Impact	17
8. Nudity and striptease	19
9. Conditions of Licence.....	20
10. Reducing the Harm caused by Alcohol	20
11. Late Night Levy (LNL)	21
12. Early Morning Restriction Orders (EMRO'S)	21
13. Minor Variations to Premise Licences	22
14. Temporary Event Notice	22
15. Large scale music and other similar events	23
16. Review of Premise Licence	23
17. Suspension of Premise Licence – Non payment of annual fee	24
18. Enforcement.....	24
19. Policy Review.....	25
20. Advice and Guidance	25
Appendix 1.....	26
Delegation of Functions	26

Executive Summary

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

This policy was last reviewed in 2016 and has regard to the Home Office guidance issued under section 182 of the Licensing Act 2003.

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

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

Each application will be determined on its own merits.

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

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

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

The Licensing Authority has the ability to grant licences for premises and certificates for qualifying club premises. It also grants personal licences and accepts temporary event notices. Applicants for premises licences should be aware of the expectations of the Licensing Authority and the Responsible Authorities regarding the steps that are appropriate for the promotion of the licensing objectives.

Applicants should also be aware of the requirement to make enquiries about the specific area in which the licensed premises is, or is to be, situated and to be able to demonstrate that knowledge when describing the steps they propose to take to promote the licensing objectives.

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

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

1. Introduction

- 1.1 South Kesteven District Council is one of seven districts in Lincolnshire with a population of around 142,000. Two thirds of people live in the four main towns of Grantham, Stamford, Bourne and the Deepings with the remaining third living in one of over 80 villages and hamlets. With an area of 365 square miles, it is one of the largest districts in the country.
- 1.2 This Authority has over 500 premises licensed under the Licensing Act 2003.
- 1.3 South Kesteven District Council, (hereinafter referred to as the 'Licensing Authority'), is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act).
- 1.4 This document sets out the policies and principles that the Licensing Authority will apply to all places selling or providing:
 - Retail sale of alcohol
 - Supply of alcohol to club members
 - Provision of 'regulated entertainment' - to the public, to club members or with a view to profit.
 - Late Night Refreshment
- 1.5 Regulated entertainment is defined in the Act as:
 - A performance of play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Entertainment of a similar description to live music, recorded music or dance.
- 1.6 Late Night Refreshment as defined in the Act as:
 - The supply of hot food and/or hot drink from any premises including mobile food stalls between 11pm and 5 am.
- 1.7 Places or premises include:
 - Pubs and night-clubs
 - Off-licences

- Restaurants serving alcohol
- Restaurants and takeaways open between 11.00pm and 5.00am
- Hotels
- Guest houses
- Private members clubs and social clubs
- Theatre and amateur dramatic groups
- Cinema operators
- Organisers of Temporary Events
- Community events

1.8 This policy and associated guidance is intended to provide clarity to applicants, other persons and responsible authorities on how this Licensing Authority will determine applications.

1.9 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives. These are:-

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

1.10 In promoting the licensing objectives the Licensing Authority will pay due regard to the revised guidance issued in April 2018 under Section 182 of the Licensing Act 2003, and any subsequent legislation or Guidance issued by the Secretary of State.

1.11 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring Authorities, the Police, local businesses and local people, towards the promotion of the objectives as outlined.

1.12 In preparing this policy statement the Licensing Authority has consulted with those listed below, with appropriate weight being given to the views of those who have responded.

- The Chief Officer of Police
- The Fire and Rescue Authority
- The Director of Public Health
- The Planning Department
- Environmental Health (Health & Safety)
- Environmental Health (Environmental Protection)
- Trading Standards
- Lincolnshire Safeguarding Children Board
- Home Office (Immigration)
- Representatives of licence holders and club certificate holders

- Local businesses and their representatives

1.13 The purpose of licensing is to control licensed premises and other events within the terms of the Act. In accordance with the terms of the Act, and subject to any relevant representations, conditions may be attached to licenses and the various other permissions, which will focus on matters falling within the control of individual licensees.

1.14 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities on any individual, body or business affected by the operation of a licensed premise, regardless of their geographical location.

1.15 Each application will be treated on its merits and these may include, but are not limited to:

- the nature of the licensable activity;
- the nature and locality of the premises;
- the time of day of the proposed licensable activity; and
- the frequency of the activity.

1.16 It should however, be made clear that the licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Whilst there are a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the local area. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the imposing of conditions to meet the concern.

1.17 In undertaking its licensing function, the Licensing Authority is also bound by other legislation including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 – which imposes a duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its decision making process. The duty now extends to anti-social behaviour, substance misuse and behaviour adversely affecting the environment
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, which places a duty on public Authorities to protect the rights of individuals in a variety of circumstances
- The Provision of Services Regulations 2009 to ensure requirements are:
 - Non- discriminatory.
 - Justified by an overriding reason relating to the public interest.
 - Proportionate to that public interest objective.
 - Clear and unambiguous.

- v. Objective.
- vi. Made public in advance, and
- vii. Transparent and accessible.

- Anti-social Behaviour Crime and Policing Act 2014
- Police and Justice Act 2006
- Violent Crime Reduction Act 2006
- The Police Reform and Social Responsibility Act 2011
- Clean Neighbourhoods and Environment Act 2005
- Disability and age discrimination legislation. South Kesteven District Council is committed to the implementation and application of this policy in such a manner as to ensure that no applicant or other person is treated less favourably on grounds of sex, marital status, race, nationality, ethnicity, national origin, colour, disability or age; nor is disadvantaged by the application of a rule, condition or requirement which has a discriminatory effect, which cannot be justified either in licensing terms or as a requirement of law.

1.18 The scope of this policy covers all applications and notices made under the Licensing Act 2003.

1.19 The Licensing Authority will also seek to discharge its responsibilities identified by other Government and local strategies, and the work of other agencies so far as they impact on the objectives of the Licensing Act. Some examples are:

- Home Office Guidance for local partnerships on alcohol-related crime and disorder data
- LACORS/TSI code of practice on test purchasing of age restricted goods
- HM Government Alcohol Strategy
- The Lincolnshire Alcohol and Drug Strategy 2014 – 2019
- Lincolnshire Community Safety Agreement
- Relevant employment legislation with regards to the protection of children and young people
- A Guide for Event Organisers in Lincolnshire
- ‘Challenge 25’ campaign, currently promoted by Lincolnshire Trading Standards
- ‘Pubwatch’ schemes operating within the district

2. Integrating other Guidance, Policies and Strategies

2.1 The Authority may implement other policies, strategies and initiatives that may impact on licensing activity within the remit of this policy statement. Subject to the general principles of this policy statement and the overriding need to

promote the licensing objectives, the Licensing Committee may have to regard to them when making licensing decisions.

- 2.2 By consulting widely prior to this policy statement being published and working with our partners at all levels it is hoped this will generate an alignment between this Policy and any that may be developed by partner agencies.
- 2.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority's Licensing Committee may therefore receive and may act upon relevant reports regarding:
 - level of crime and disorder, and community safety issues, including anti-social behaviour
 - needs of the local tourist economy
 - cultural strategy for the area
 - employment situation in the area and the need for new investment, and employment where appropriate
 - planning considerations which might affect licensed premises
 - local transport arrangements
 - any other reports considered appropriate to the licensing function
- 2.4 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. To assist in this process the Licensing Committee may provide reports to the Development Control Committee on the situation regarding licensed premises in the district, including the overarching priority to reduce the impact of alcohol-related crime and disorder.
- 2.5 Applicants are encouraged to consider making any necessary applications and enquiries for planning permission before, or at the same time as, they make an application for a premises licence or a club premise certificate.
- 2.6 In reaching a decision, of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 2.7 In order to avoid duplication with existing legislation and regulatory regimes the Licensing Authority will, as far as possible, not attach conditions of licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

3. The Licensing Process

- 3.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a sub-committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at [Appendix 1](#).
- 3.2 Each application for licensing will be considered on its own merits - for example, free from the imposition of quotas on the number of licensed premises or generalised closing times.
- 3.3 Applicants are strongly advised to liaise with the responsible authorities with respect to the content of their operating schedule before making any application. South Kesteven District Council's Licensing Team are always available to provide advice and guidance to any applicant or other person involved in the process.
- 3.4 Applicants will be required to submit, with their application for a premises licence/club premises certificate or variation to their existing premises licence/club premises certificate, an Operating Schedule. The operating schedule plays a major part in ensuring compliance with the Act, in particular showing how the four licensing objectives are to be achieved. The schedule will aid any Responsible Authority or other person to assess whether the proposed steps to be taken to promote the licensing objectives are satisfactory. The schedule will form part of the conditions of the licence (if granted) and therefore they must be unambiguous and clear in what they intend to achieve. Examples on what steps can be taken to promote the four licence objectives can be found below.
- 3.5 Applications will be determined having regard to:
 - this policy
 - the Licensing Act 2003 and supporting legislation
 - guidance issued by the Department for Culture, Media and Sport (DCMS) or the Home Office
 - any 'relevant representations' received (provided that they are not determined by the Licensing Authority to be frivolous, vexatious or repetitive).
- 3.6 This Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely. The author will be expected to explain in detail how, in terms of the licensing objectives, how they would be affected by the application. The Licensing Authority will consider rejecting any representations which did not include sufficient detail to outline any harm or disturbance which may be caused.

- 3.7 Account will be taken of the need to encourage and promote all types of entertainment including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance from these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 3.8 The Licensing Authority acknowledges the advice received from the Department for Digital, Culture, Media and Sport (DCMS) that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 3.9 The Licensing Authority expects all applicants to complete the 'Adult Entertainment' box of the application form which requires details of any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 3.10 If there are to be no such entertainments, services, activities or other matters then the form should state that clearly. The Licensing Authority may return, for amendment, any application which is incomplete in this material area.
- 3.11 Failure to submit an application in the correct form will result in that application being returned. The Licensing Authority will endeavour to explain why the application is considered to be deficient and will invite the applicant to re-submit the application with all the required information.

4. Licensing Objectives

General

- 4.1 Each of the four licensing objectives is of equal importance. The Licensing Authority considers the effective and responsible management of the premises and the instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.
- 4.2 It is for the applicant to decide what, if any, measures to suggest in its operating schedule to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operation schedules will be converted into conditions on their licence.

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

- 4.3 The Prevention of Crime and Disorder

In accordance with the Guidance, Police views on matters relating to crime and disorder will be given considerable weight. There are many steps an applicant may make to prevent crime and disorder. The Licensing Authority will look to the Police for the main source of advice on these matters.

- i. Membership and promotion of a recognised Pubwatch Scheme or similar organisation. The ability to share information with participating venues can help to highlight problematic persons or events and give the opportunity for a joined up approach.
- ii. Physical security features should be considered e.g. use of toughened or plastic drinking glasses. Where appropriate, the operating schedule may specify details of when the use of plastic or toughened glass will be applied as defined by a risk assessment. Plastic may be very preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when and where national sporting events are televised.
- iii. The use and numbers of SIA licensed door supervisors. It is illegal to use door staff who are not licensed by the SIA. For more information on the SIA please visit their website at <http://www.sia.homeoffice.gov.uk> The decision when to employ door supervisors and in what number depends on a risk assessment. Managers should be sensitive to local and national events such as major football events, even if your premises are not involved directly. When using Door Staff the Licensing Authority recommends the use of an "incident book" which should be maintained recording details of duty door staff and any incidents dealt with. This should be kept available for inspection at any reasonable time by Police and Council officers.
- iv. The amount of seating to be provided to reduce high volume vertical drinking.
- v. Training given to staff in crime prevention and drug awareness measures.
- vi. Measures agreed with the Police to reduce crime and disorder. The development of good relations with local police officers is beneficial in preventing incidents occurring on your premises. If customers become accustomed to police officers making frequent checks, problem behaviour can be discouraged. Additionally, records kept of any crime or disorder incidents and where sales of alcohol have been refused will help the police and local authority monitoring.
- vii. Measures to prevent the use or supply of illegal drugs. Ensuring adequate staffing at busy times so that staff members are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar. Such measures would include a premises drug policy and statement of such a policy.
- viii. Search procedures. Effective searching not only prevents certain crimes by removing prohibited articles, but also serves as a deterrent.

- ix. Provision of CCTV in and around the premises. Details of any CCTV system and suitable signs associated with it. If installing a new CCTV system advice from the Crime Reduction Officer or Licensing Officer of Lincolnshire Police should be sought.
- x. Formulation of a dispersal policy. You should ensure that when customers leave the premises, they do so in an orderly manner. A music and lighting policy which encourages a calming effect on customers before they leave can help. It may be that a transportation policy is required to get customers home after leaving the premises when there is no viable alternative.
- xi. Measures to prevent glasses and bottles being taken away from the licensed premises. Open containers should not be taken from the premises. Signs to reinforce that only drinks purchased on the premises may be consumed on the premises could be advisable.

4.4 Public Safety

The Licensing Authority will not seek to impose fire safety conditions on licenses where the Regulatory Reform (Fire Safety) Order 2005 applies.

- i. Suggested occupancy figures (including staff and performers). This can be based on a recent assessment completed by a fire officer/building control officer. It is the responsibility of the licence holder to do a risk assessment of the business and expert advice may be required.
- ii. Not only does the size and number of emergency exits affect the occupancy figure, so does the floor area, ease of exit and the density and type of furniture and fittings. Please note that sanitary accommodation can affect occupancy figures. Please specify if your premises has a capacity of less than 200 people, and the application is for the sale of alcohol on the premises and dancing as there is an exemption available under section 177 of the Licensing Act 2003.
- iii. Use of equipment and effects. You should be able to demonstrate that equipment, whether fixed or temporary is safe and in working order such as the electrical, fire alarm and emergency lighting systems and fire fighting equipment. There are however, types of equipment and effects which require specific risk assessment and advice from experts such as the Environmental Health or Health and Safety officers.
- iv. Levels of door supervision. Please see above in Crime and Disorder. When assessing the numbers of door staff, you should consider their safety and employ them in sufficient numbers to ensure that they are able to deal with all emergencies and evacuations, not just in their crime and disorder role.
- v. Measures to prevent the supply and use of illegal drugs. Please see the General and Crime and Disorder headings.
- vi. Physical safety features e.g. use of toughened glass and plastic containers. Please see above in Crime and Disorder;

- vii. Fire safety, training and evacuation procedures;
- viii. Provision of CCTV.

4.5 The Prevention of Public Nuisance

Applicants will need to focus on the effect of the licensable activities on persons living and working in the area around the premises which may be disproportionate or unreasonable. Issues will mainly concern noise nuisance, light pollution, noxious smells and litter but should be relevant to the premises.

- i. The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship and the proximity of other sensitive areas such as schools, war memorials etc;
- ii. The hours of opening, particularly between 23.00 and 07.00;
- iii. The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises;
- iv. The design and layout of the premises and in particular the presence of noise limiting features;
- v. The occupancy capacity of the premises;
- vi. The availability of public transport;
- vii. The availability of parking in residential areas;
- viii. 'Wind down period' between the end of the licensable activities and the closure of the premises;
- ix. The formulation of a dispersal policy;
- x. Last admission time;
- xi. The upkeep of the area immediately surrounding the premises such as litter collection.
- xii. Installation of noise limiting equipment.

4.5.1 Closure of outside areas after a certain time is encouraged to be included in your operating schedule. It is advisable that no regulated entertainment is carried out in outside areas in the evenings without prior consultation with the Licensing Authority. Noise can also be contained by keeping windows and doors shut, by installing double-glazing or air conditioning and ventilation where appropriate, which should be maintained in good order. Using performers of

regulated entertainment to remind customers to respect the premises' neighbours and leave quietly has proved successful.

4.5.2 A guide for the management of noise and other public nuisances is available on the Council's website

<http://www.southkesteven.gov.uk/index.aspx?articleid=8505>

It is recommended that you contact an officer from Environmental Health for further advice before submitting your application.

4.6 Protection of Children from Harm

4.6.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting them from the harms associated directly with alcohol consumption, but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

4.6.2 The Licensing Authority is aware that alcohol misuse and abuse is one of the recurring key 'parental factors' in child protection, often contributing to parental neglect of children, domestic abuse and violence within families.

4.6.3. Alcohol is often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink alcohol. Being under the influence of alcohol impacts on the safety and health of young people. They become vulnerable and are at risk of becoming involved in activities they otherwise would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or premises being used for the purposes of grooming and enticement. The Licensing Authority is especially mindful that it must always consider the need to protect children from sexual exploitation.

4.6.4 The Licensing Authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand the sexual exploitation of a child is sexual abuse and is a crime; and
- To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

4.6.5 The Licensing Authority recognises the Lincolnshire Safeguarding Children's Board as being the competent authority to advise on matters relating to the protection of children from harm. Their details can be found in the Guidance to Applicants available at <http://www.southkesteven.gov.uk> or on request.

4.6.6 A statement should be made in the operating schedule regarding the child admission policy of the premises detailing any restrictions. Good management and staff training are essential in dealing with this objective.

4.6.7 Signage can be very important in the protection of children from harm. It is important that signage makes clear the restrictions on access to the premises or part of the premises by children. It is also important to have children supervised at all times in these types of premises.

4.6.8 It is expected to show in your operating schedule that if children are permitted on the premises that any areas where children are not allowed are demarcated, these may be bar areas, in areas with amusements with prizes or a strong element of gambling, suitable refreshments should also be available at all times when children are permitted. Make sure that children needing to use the toilets can get there without crossing areas within which they are not permitted.

4.6.9 When considering access by children, you may wish to consider the following:

- Limitations of the hours when children may be present;
- Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);
- Full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place; and
- Presence of acceptable number of appropriate adult staff to ensure public safety and protection of children from harm.

4.6.10 It should be noted that it is an offence;

- i. to permit children under the age of 16 unaccompanied by an adult (that is a person aged 18 or over) to be present on premises open for the supply of alcohol for consumption there and being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorization of a premises licence, club premises certificate or temporary event notice;
- ii. to permit the presence of children under 16 who are not accompanied by an adult (that is a person aged 18 or over) between midnight and 5am to be on premises supplying alcohol for consumption on the premises under the authorization of any premises licence, club premises certificate or temporary event notice.

4.6.11 The offences may be committed by a premises licence holder, designated premises supervisor or any person who works at licensed premises, whether paid or unpaid, in a capacity which authorizes him or her to request an unaccompanied child under 16 to leave the premises.

4.6.12 It may also be committed by any member or officer of a club, which holds a club premises certificate, who is present on the premises in a capacity which

enables him to make such a request or a premises user in relation to premises being used under the authorization of a temporary event notice.

5. Licensing Hours

- 5.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets, when large numbers of people leave licensed premises at the same time.
- 5.2 Longer licensing hours permitting the supply of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport.
- 5.3 There is no presumption in the Licensing Act 2003 for longer hours to be granted over objections from local people and organisations. Where there are objections, and the Licensing Committee believes that changing the hours would undermine the licensing objectives, the Committee can reject the application or grant it with appropriate conditions or hours.
- 5.4 As far as the Licensing Authority's overall approach to licensing hours is concerned, it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries, in search of premises opening later, puts greater pressure on town centres than is necessary and can lead to increased disorder and nuisance.
- 5.5 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance, then subject to receiving valid, relevant representations, a limitation on licensing hours may be appropriate.
- 5.6 Where off sales are permitted and late-night takeaways exist, operators should recognise their responsibility to ensure that litter discarded in the area of their premises is cleared away regularly.
- 5.7 In largely residential areas the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises which are situated in the area.
- 5.8 South Kesteven District Council's Licensing Team will always seek to provide informal advice and mediate between all parties involved in the application process, and strive to reach a mutually acceptable agreement. However, the team is subject to legislative restrictions and it may be that the matter will be put before the Licensing Committee.

6. Children and Licensed Premises

6.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered necessary to do so to protect them from harm.

6.2 When deciding whether or not to limit access to children, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children, would include premises where:

- entertainment or services of an adult or sexual nature are commonly provided;
- there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- there is a known association with drug taking or dealings;
- there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines);
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premise.

6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.

6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an acceptable number of appropriate adult staff to ensure public safety and their protection from harm.

6.5 The onus will be on the premise licence holder to ensure that members of staff are suitable to carry out the supervision of children, which may include a criminal record check from the Disclosure and Barring Service.

6.6 The options available for limiting access by children would include:–

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18 years of age);
- requirements for accompanying adults
- full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place.

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

- 6.8 The body responsible for the interests of children is the Lincolnshire Safeguarding Children Board, who are contactable through Lincolnshire County Council.
- 6.9 The sale of alcohol to children and young people under the relevant age is a criminal offence, often resulting in harm to the child or young person concerned, along with disturbance and nuisance to local residents and businesses. Applicants are required to detail adequate control measures in their operating schedules to prevent under age sales to children and young persons.
- 6.10 The Licensing Authority recognises that Lincolnshire County Council Trading Standards, as part of their responsibilities and duties under legislation controlling the sale of age restricted products including alcohol, provides advice and guidance on the controls and systems that may be adopted to help prevent such sales. The Licensing Authority also recognises that, in liaison with the Police, Trading Standards conduct covert test purchasing exercises to check compliance with the legislation.

7. Cumulative Impact

- 7.1 The cumulative impact of licensed premises has been described within the Guidance since the commencement of the Act. Cumulative Impact Assessments (CIA) were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018.
- 7.2 Cumulative impact is the potential impact on the promotion of the licensing objectives in areas where there the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional and serious problems of nuisance and disorder may arise outside or some distance from those premises.
- 7.3 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account but must be evidence based. This should not however, be confused with 'need' which relates more to the commercial demand for a particular type of premises, e.g. a pub, off-licence, restaurant or hotel. The issue of need is therefore a matter for planning consideration or the market to decide and does not form part of this Licensing Policy Statement.
- 7.4 The Licensing Authority may receive representations from either a responsible Authority or other person, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application.

7.5 The Authority encourages the development of a variety of premises providing a range of licensable activities. The decision to include a special policy relating to cumulative impact with this policy will be evidentially based. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on to includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires
- evidence from local Councillors; and
- evidence obtained through local consultation.

7.6 If, subject to that consultation South Kesteven District Council decide to adopt a cumulative impact policy, they will adopt a policy and add it to this Statement of Licensing Policy.

7.7 Any cumulative impact policy is not absolute and the circumstances of each application will be considered properly.

7.8 Rather than adopt a special policy there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises, these include:

- planning controls;
- positive measures to create a safe and clean town centre environment, in partnership with local businesses, transport operators and other departments of the Local Authority;
- Public Spaces Protection Orders
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;

- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- The power of the Police, other responsible Authorities or a local resident or business to seek a review of the licence or certificate in question.

7.9 These may be supplemented by other local initiatives that similarly address these problems.

7.10 The Licensing Authority may address a number of these issues through the Safer Lincolnshire Partnership and County Licensing Group, in line with the strategic objectives for crime and disorder reduction within the district.

8. Nudity and striptease

8.1 The Authority recognises that Parliament has made it lawful to operate establishments providing adult entertainment, such as striptease and, that such businesses are a legitimate part of the retail and leisure industries. It is our role as a Licensing Authority to administer the licensing regime in accordance with the law.

8.2 This Authority has adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that it can licence sexual entertainment venues in the district. The Authority's policy and procedures in relation to the licensing of sexual entertainment venues can be viewed on the Authority's website.

8.3 The Authority recognises that some premises providing sexual entertainment may not be providing the entertainment at a frequency which requires the premises to be licensed as a sexual entertainment venue under the LGMP Act (no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion).

8.4 Where such premises are providing (or intending to provide) striptease or any other kind of nudity (for example pole or lap dancing or topless waitresses), the Authority will expect applicants to demonstrate in their operating schedule that considerable thought has been given as to how they intend to promote the licensing objectives.

8.5 In order to promote the licensing objectives, subject to receiving relevant representations, where the Licensing Authority grants premises licences that include striptease or any other kind of nudity, it will generally impose conditions relating to the following issues:-

- the location within the premises where the activity takes place;
- the absence of advertising the activities outside the premises;

- the measures taken to ensure no person under 18 years of age enters the premises
- the measures taken to ensure that the activities inside the premises cannot be seen from outside the premises
- the position of the performers dressing rooms in relation to the area in which they perform
- physical contact between performers and customers

8.6 Where premises licence applications include striptease or any other kind of nudity, the Licensing Authority will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.

9. Conditions of Licence

9.1 The Licensing Authority does not propose to implement standard licensing conditions across the board. It may draw upon the model pool of conditions issued by the Home Office or other such bodies and attach conditions as appropriate given the circumstances of each individual case.

9.2 The Licensing Authority is aware of the need to avoid measures which deters live music and theatre by imposing direct costs of a substantial nature and the Licensing Authority will take account of this.

9.3 Conditions not listed in the pool of model conditions may be specifically tailored by the Licensing Authority and attached to licences as appropriate.

10. Reducing the Harm caused by Alcohol

10.1 The Authority is aware of the link between the supply of excessively discounted liquor, irresponsible drinks promotions and incidents of alcohol related disorder as well as the impact excessive or binge drinking can have on public health.

10.2 The Authority will work in partnership with other responsible authorities and use the powers contained within the Licensing Act and any other powers available to them to ensure promotional activities etc do not undermine the licensing objectives or have a damaging effect on the health of its residents.

10.3 Applicants should be aware of the specific mandatory licence conditions, attached to all license authorising the sale or supply of alcohol for consumption on the premises, which effectively;

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free drinking water if they ask for it

10.4 On receipt of relevant representations from a Responsible Authority or other persons, which demonstrates a clear link between sales or promotions and

levels of crime and disorder or public nuisance on or in the area of the premises, the Licensing Authority will seriously consider the status of the premises licence.

11. Late Night Levy (LNL)

- 11.1 The Late Night Levy allows Licensing Authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The levy will apply to all premises (on and off trade), throughout the Licensing Authority's area, which are authorised to sell or supply alcohol in the time period set by the Licensing Authority. This can be any time between midnight and 0600 hrs. A consultation process is required before introducing a LNL. The consultation process will include the Police, licence holders and others.
- 11.2 Consultation was carried out with representatives of the Police for South Kesteven during 2013, it was agreed that there was no evidence that a late night levy would be necessary or beneficial for the district at that time.
- 11.3 The Authority will, however, consider the introduction of a Late Night Levy at any time if circumstances change and evidence supports this course of action.

12. Early Morning Restriction Orders (EMRO'S)

- 12.1 EMRO's can be introduced by the Licensing Authority for any part of the District where it is considered that restricting the sale of alcohol between midnight and 0600 hrs is appropriate to promote the four licensing objectives in the Licensing Act 2003. It can apply either every day or for certain days and for an unlimited or time-limited period.
- 12.2 Prior to introducing an EMRO, the Authority must consult directly with Responsible Authorities and licensed premises and more widely with residents and other parties likely to be affected. Any representations must be made within a 28-day period and be considered by the Licensing Committee; the EMRO itself must be endorsed by Full Council. Once introduced, the EMRO will make it an offence to sell alcohol during the times specified in the order, whether under a premises licence, club premises certificate or TEN (subject to certain specified exemptions).
- 12.3 It is the Authority's intention to support businesses whilst ensuring promotion of the licensing objectives. EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises. The introduction of an EMRO may have far-reaching, wider impacts on the socio-economic circumstances in an area and should be reasonable, justified and proportionate.
- 12.4 At the time of reviewing this policy statement a need to implement an EMRO has not been identified. The Authority will consider the introduction of an EMRO

at any time if circumstances change and evidence supports this course of action.

13. Minor Variations to Premise Licences

- 13.1 Officers acting under delegated powers will determine applications for the minor variation of a premise licence. Applicants are advised to contact the Licensing Team BEFORE submitting a minor variation in order to ascertain whether the proposed change does in fact qualify as a minor variation. Officers will reject any application that does not qualify as a minor variation.
- 13.2 It is the Authority's practice that any request to remove redundant conditions will result in the application being sent to specific responsible authorities.

14. Temporary Event Notice

- 14.1 The system of permitted temporary activities is intended to be a light touch process and as such the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead, a person wishing to hold an event at which such activities are carried on gives notice to the Licensing Authority of the event (a "Temporary Event Notice" or TEN).
- 14.2 There are two types of TENs; a Standard TEN and a Late TEN. These have different notice periods. A Standard TEN is given to the Licensing Authority, Police and Environmental Health no later than 10 clear working days before the event to which it relates; a Late TEN is given not before 9 and no later than 5 clear working days before the event. Where the required notice period has not been given it will be returned as void and the activities to which it relates will not be authorised. The notification fee will not be returned.
- 14.3 Temporary Event organisers are encouraged to submit their notifications to the Licensing Authority, Police and Environmental Health as soon as is reasonably practical in order for them to consider whether or not there are any concerns and where there are concerns, to enable all parties to take the necessary steps to resolve them.
- 14.4 The Licensing Authority recommends that at least 20 working days and no more than 40 working days notification be given.
- 14.5 TENs are subject to various limitations:
 - Working days do not include bank holidays, Saturday or Sunday, the day of the event or the day the notice is given
 - Anyone aged 18 or over can give a maximum of 5 Standard or 2 Late TENs per calendar year
 - Personal Licence holders can give a maximum of 50 Standard or 10 Late TENs per calendar year

- Late TENs count towards the total permitted number of TENs a person is permitted to give per year
- The maximum number of persons must not exceed 499
- The maximum number of hours must not exceed 168
- No more than 15 TENS can be given in respect of any particular premises in any calendar year
- Any particular premises can have a maximum aggregate duration of 21 days in any calendar year
- There must be a minimum of 24 hours between events at the same premises

14.6 The Act prescribes that the Police or Environmental Health may, within the prescribed period, issue an objection notice where they believe the event would undermine one or more of the licensing objectives set out in the Act. In the case of a Standard TEN the objection will be considered by the Licensing Committee. If an objection is raised in relation to a late TEN then the TEN will not be valid and event will not be authorised as there is no scope for a hearing.

15. Large scale music and other similar events

15.1 The Licensing Authority strongly recommends that event organisers contact the Responsible Authorities in advance of drafting/submitting a licence application for a large scale event. The Responsible Authorities are normally in a position to offer expert and specific advice on the promotion of the four licensing objectives and have practical experience of dealing with such events.

15.2 The Licensing Authority will expect organisers of large scale events to work in partnership with the Lincolnshire Event Safety Partnership (LESP). The LESP is an advisory group dealing with public events in the South Kesteven district and members comprise of officers from all emergency services, Lincolnshire Emergency Planning, Lincolnshire Highways as well as representatives for the Council's regulatory services.

15.3 The role of LESP is purely advisory and it has no enforcement powers. Should incidents occur during an event, the individual agencies on LESP have enforcement powers which would come into effect.

16. Review of Premise Licence

16.1 The Licensing Authority will consider the full range of powers available to it when a review of a premise licence becomes necessary. The power to review premise licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives. Reviews of licences may be triggered at any stage by Responsible Authorities or interested parties because of a matter arising at the licensed premises relating to one of the four licensing objectives.

- 16.2 It is the Authority's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews should therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises. Additionally, any application to review a premises licence must not be repetitious.
- 16.3 This Authority emphasises the importance of all parties working in partnership to achieve the promotion of the licensing objectives; the Authority expects that Responsible Authorities will aim to give licensees early warning of any concerns identified at the premises.
- 16.4 It is the Authority's role to administer the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.

17. Suspension of Premise Licence – Non payment of annual fee

- 17.1 The 2003 Act requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the Licensing Authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.
- 17.2 It is this Authority's intention that five working days notice will be given before the suspension takes effect.
- 17.3 A premise licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended.

18. Enforcement

- 18.1 The Licensing Authority has established protocols with the Police and other enforcing Authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, whilst applying a lighter touch to low-risk premises.
- 18.2 Action will only be taken in accordance with the Licensing Authority's own enforcement policy, which reflects the agreed principles that are consistent with the Regulator's Code. To this end, the key principles of accountability,

consistency, transparency and proportionality will be maintained and enforcement action will only be taken if it is in the public interest.

- 18.3 The Licensing Authority will ensure that all types of licensed premises and their operators receive the appropriate level of attention, but on a risk based assessment basis. For example, high-risk town centre late night outlets of all types, including takeaway type food outlets, will be inspected more frequently than premises operating on more restricted hours that are unlikely to require the same level of inspection.
- 18.4 The Licensing Authority will always make available information and guidance to any interested party considering a review of a premise licence under the Act. It will often be appropriate for the Authority to give advice to licensees that would prevent the need for undertaking a review.
- 18.5 Results of enforcement or investigation will be made available to responsible Authorities who may wish to include this evidence in a review of a premises licence or club premises certificate.
- 18.6 Enforcement action will be considered against a personal licence holder where there has been a failure to comply with the requirements of the Licensing Act 2003.

19. Policy Review

- 19.1 The policy statement will remain in existence for a period of five years and will be subject to review and further consultation before 6 January 2026, but may be reviewed at any point during that five year period.

20. Advice and Guidance

- 20.1 Further information and advice on the Licensing process can be obtained by contacting South Kesteven District Council Licensing team by telephoning (01476) 406080, by e-mail at licensing@southkesteven.gov.uk or by visiting the Business and Licensing area of the Council's website www.southkesteven.gov.uk

Appendix 1

Delegation of Functions

The 2003 Act provides that functions of a Licensing Authority (including its determinations) are to be carried out by its Licensing committee (except those relating to the making of its Statement of Licensing Policy). These functions may be delegated to Sub-committees or in appropriate cases to Officers of the Licensing Authority. It is recognised that many of the decisions and functions will be purely administrative in nature and in the interests of speed, efficiency and cost effectiveness have been delegated to Officers.

The delegation of functions in relation to licensing matters are as follows:

Matter to be dealt with	Alcohol, Entertainment and Late Night Refreshment Licensing Committee or its Sub-Committee	Officers
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representations made
Application for provisional statement	If a relevant representation made	If no relevant representations made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representations made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Disapplication of a designated premises supervisor	If a Police objection	If no relevant representation made and the premises meet the required standard.
Application for transfer of premises licence	If a Police objection	All other cases
Applications for Interim Authorities	If a Police objection	All other cases

Matter to be dealt with	Alcohol, Entertainment and Late Night Refreshment Licensing Committee or its Sub-Committee	Officers
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 Licensing Authority is a consultee and not the relevant Authority considering the application	All cases	
Determination of a Police objection to a Temporary Event notice	All cases	
Acknowledgement of a Temporary Event Notice		All Cases
Determination of an application for the minor variation of a premise licence		All Cases

*The sub-committee of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee shall normally comprise of three Members of that Committee.

Document enhancement for the visually impaired available on request – tel. (01476) 406080 or e-mail customerservices@southkeseteven.gov.uk



**South Kesteven District Council
Council Offices
St Peters Hill
Grantham
Lincolnshire
NG31 6PZ**

Premises licence summary

Premises licence number	5065
-------------------------	------

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Old Ship Inn 22 High Street	
Post town	Post code
Pointon Sleaford	NG34 0LX

Where the licence is time limited the dates
--

Licensable Activities authorised by the licence
Live music
Recorded music
Making music
Dancing
Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities
Live music
19:00 to 00:00 Friday
19:00 to 00:00 Saturday

Non Standard Timings

Christmas Eve as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.
New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays - 19:00 until 23:00.

Recorded music

19:00 to 00:00 Friday
19:00 to 00:00 Saturday

Non Standard Timings

Christmas Eve as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.
New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

Making music

19:00 to 00:00 Friday
19:00 to 00:00 Saturday

Non Standard Timings

Christmas Eve-as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.
New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

Dancing

19:00 to 00:00 Friday
19:00 to 00:00 Saturday

Non Standard Timings

Christmas Eve as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.
New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

Sale by retail of alcohol

11:00 to 23:30 Monday
11:00 to 23:30 Tuesday
11:00 to 23:30 Wednesday
11:00 to 23:30 Thursday
11:00 to 01:00 Friday
11:00 to 01:00 Saturday
11:00 to 23:00 Sunday

Non Standard Timings

New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

The opening hours of the premises

11:00 to 00:00 Monday
11:00 to 00:00 Tuesday
11:00 to 00:00 Wednesday
11:00 to 00:00 Thursday
11:00 to 01:30 Friday
11:00 to 01:30 Saturday
11:00 to 23:30 Sunday

Non Standard Timings

New Year's Eve until 02:30 on New Year's Day
Good Fridays 19:00 to 00:30
Bank Holiday Mondays 19:00 until 00:00
Sundays preceding Bank Holiday Mondays 19:00 until 23:30

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

On and Off the premises

Name of holder of premises licence

8 Sail Inns Ltd

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

14484394

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

Antony Pygott

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



**South Kesteven District Council
Council Offices
St Peters Hill
Grantham
Lincolnshire
NG31 6PZ**

Premises licence number 5065

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**The Old Ship Inn
22 High Street**

Post town	Pointon Sleaford	Post code	NG34 0LX
Telephone number	01529 241025		

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Live music
Recorded music
Making music
Dancing
Sale by retail of alcohol**

The times the licence authorise the carrying out of licensable activities

Live music

**19:00 to 00:00 Friday
19:00 to 00:00 Saturday**

Non Standard Timings

**Christmas Eve as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.**

New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays - 19:00 until 23:00.

Recorded music

19:00 to 00:00 Friday
19:00 to 00:00 Saturday

Non Standard Timings

Christmas Eve as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.
New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

Making music

19:00 to 00:00 Friday
19:00 to 00:00 Saturday

Non Standard Timings

Christmas Eve-as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.
New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

Dancing

19:00 to 00:00 Friday
19:00 to 00:00 Saturday

Non Standard Timings

Christmas Eve as per standard hours for supply of alcohol.
Christmas Day as per standard hours for supply of alcohol.
Boxing Day as per standard hours of supply of alcohol.
New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

Sale by retail of alcohol

11:00 to 23:30 Monday
11:00 to 23:30 Tuesday
11:00 to 23:30 Wednesday
11:00 to 23:30 Thursday
11:00 to 01:00 Friday
11:00 to 01:00 Saturday
11:00 to 23:00 Sunday

Non Standard Timings

New Year's Eve until 02:00 on New Year's Day.
Good Fridays 19:00 to 00:00.
Bank Holiday Mondays 19:00 until 23:30.
Sundays preceding Bank Holiday Mondays 19:00 until 23:00.

The opening hours of the premises

11:00 to 00:00 Monday
11:00 to 00:00 Tuesday
11:00 to 00:00 Wednesday
11:00 to 00:00 Thursday
11:00 to 01:30 Friday
11:00 to 01:30 Saturday
11:00 to 23:30 Sunday

Non Standard Timings

New Year's Eve until 02:30 on New Year's Day
Good Fridays 19:00 to 00:30
Bank Holiday Mondays 19:00 until 00:00
Sundays preceding Bank Holiday Mondays 19:00 until 23:30

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

On and Off the premises

Part 2**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

8 Sail Inns Ltd
Heckington Windmill
Hale Road
Heckington
NG34 9JW

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

14484394

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

Antony Pygott
31 Thomas Middlecott Drive
Kirton
Boston
PE20 1HU

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

32UBA09043 – Boston Borough Council

Annex 1 – Mandatory conditions

The Old Ship Inn
22 High Street
Pointon
Sleaford
NG34 0LX

Supply of alcohol

1. No supply of alcohol shall be made under this Premises Licence at a time:
 - a) When there is no designated supervisor in respect of the Premises Licence
 - b) When the designated premises supervisor does not hold a personal licence or his or her personal licence is suspended.
2. Every supply of alcohol under the Premises Licence shall be made or authorised by a person who holds a personal licence.

SCHEDULE Mandatory Licensing Conditions

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 2. The responsible person must ensure that free, potable tap water is provided on request to customers where it is reasonably available.
- 3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 4. The responsible person must ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not, in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula:-
$$P = D + (D \times V)$$
 where:-
P is the permitted price,
i) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
ii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-
i) the holder of the premises licence,
ii) the designated premises supervisor (if any) in respect of such a licence, or
iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

Annex 2 – Conditions consistent with the Operating Schedule

**The Old Ship Inn
22 High Street
Pointon
Sleaford
NG34 0LX**

Steps Taken To Promote the Licensing Objectives

a) General - all four licensing objectives (b,c,d,e)

1 This Premises Licence is issued as a conversion of the following existing licence:

a) A Justices' On Licence authorising the sale of alcohol for consumption either on or off the premises, issued under the Licensing Act 1964 to Gale O'Shea on 12th January 2005 by the Petty Sessional Division of Bourne & Stamford.

2 All restrictions and rights attaching to the existing licence at the date of conversion (including standard conditions and expressed conditions subject to which the existing licence was issued and limitations on the use of the premises for the existing licensable activities under the existing licence by the Children and Young Persons Act 1933, the Cinematograph (Safety) Regulations 1955, the Licensing Act 1964 and the Sporting Events (Control of Alcohol Etc) Act 1985) shall apply to the same extent in relation to this Premises Licence (except only as restricted by the Licensing Act 2003) as if each such restriction or right (including standard conditions and expressed conditions subject to which the existing licence was issued and limitations on the use of the premises for the existing licensable activities under the existing licence by the Children and Young Persons Act 1933, the Cinematograph(Safety) Regulations 1955, the Licensing Act 1964, and the Sporting Events(Control of Alcohol Etc) Act 1985) were specifically and separately set out in this Premises Licence.

In these conditions:

"existing licence" means the licence referred to in condition 1(a) above

"existing licensable activities" under an existing licence means:

the licensable activities authorised by the existing licence

any other licensable activities which may be carried on at the premises in respect of which the existing licence has effect (at the date of conversion), by virtue of the existence of the licence

"the date of conversion" of an existing licence means the date on which this Premises Licence was issued

3 Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

On - sales

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11:00 to 23:00
- b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- c) On Good Friday, 12:00 to 22:30
- d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- e) On New Year's Eve, except on a Sunday, 11:00 to 23:00
- f) On New Year's Eve on a Sunday, 12:00 to 22:30
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 on 31st December).

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open container;
- c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence,
- j) or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Off-sales

- a) On weekdays, other than Christmas Day, 08:00 to 23:00
- b) On Sundays, other than Christmas Day, 10:00 to 22:30

- c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- d) On Good Friday, 08:00 to 22:30

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open container;
- b) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

4 Alcohol sold for consumption off the premises shall not be sold in an open container or be consumed in the licensed premises.

5 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies.

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

The applicant submit that the premises are low risk being a rural village public house and restaurant. The extended hours sought will prevent the need to apply for temporary event notices for special occasions and for which applications for extensions have been required in the past. In the circumstances, it is submitted that only limited additional steps to promote the licensing objectives are necessary.

b) The prevention of crime and disorder

Sufficient seating will continue to be available to minimise high volume vertical drinking.

Sufficient staff will be available at all times to supervise customers.

The premises (both indoors and outdoors) will continue to be covered by CCTV cameras.

c) Public safety

Sufficient staff will be available at all times to supervise customers and to ensure public safety.

d) The prevention of public nuisance

Music will be kept at moderate levels for the comfort of customers taking meals. There are no nearby residential buildings which are likely to be affected by noise nuisance.

Live and recorded music (on Fridays, Saturdays and public holidays only) will end at 00:00.

There will be a "wind-down" period of 30 minutes from the end of permitted hours for the supply of alcohol until closure of the premises.

Staff will be instructed and supervised to prevent incidents of public nuisance for example, ensuring that customers leave quietly.

e) The protection of children from harm

Proof of age will be required before alcohol will be sold or supplied for consumption by a person who appears to be under 21.

Children under 18 must at all times be accompanied by an adult and will not be allowed on the premises under 21.00.

Annex 3 – Conditions after a Hearing

**The Old Ship Inn
22 High Street
Pointon
Sleaford
NG34 0LX**

Conditions attached after a hearing by the licensing authority

(Date of Hearing)
(Committee Report No)

Annex 4 – Plans

**The Old Ship Inn
22 High Street
Pointon
Sleaford
NG34 0LX**



This page is intentionally left blank