



Hull

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City Council

**Licensing Act 2003**  
**Statement of Licensing Policy**  
**2022 - 2026**

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**The Appendices do NOT form part of the Licensing Policy**

# **KINGSTON UPON HULL CITY COUNCIL LICENSING POLICY**

## **1. Introduction**

- 1.1 Kingston upon Hull is a compact and highly urbanised city located on the north bank of the Humber Estuary, with a population of about 260,000 people, making it the most densely populated local authority area in the Yorkshire and Humber region.
- 1.2 This Policy supports all of Hull City Council's priorities in respect of its vision to have a vibrant social centre that people of all ages can enjoy within a safe, well managed and vibrant economy. We believe there has to be a good balance between the need to welcome and support those delivering licensable activities that are important to parts of our city with the need to ensure a high quality of life for all those who live, work in or visit the city.
- 1.3 The Licensing Authority's function is a statutory service where businesses wishing to trade in licensable activities need an authorisation, and the Authority is aware of the importance of licensed businesses to the economy and vitality of the City. The Authority will continue to engage and work with businesses in building on Hull's proud heritage, celebrating the culture of the City to help make it a popular visitor destination. However, the Authority will also continue to educate businesses where the standards required fall short and take enforcement action where necessary, for example, by activities that may damage communities or compromise safety.
- 1.4 Hull has gained national and international recognition as being the UK City of Culture 2017 and it is essential that the City maximises on the advantages gained by of this once in a lifetime opportunity. Therefore, the Licensing Authority will work towards supporting these aims, whilst safeguarding residents, businesses and visitors through the promotion of the licensing objectives.
- 1.5 Each area of the City has its own character and challenges. Applicants will be expected to demonstrate knowledge of the local area when describing the steps, they propose to take to promote the licensing objectives. Applicants are encouraged to contact the Licensing Section for general advice and assistance to ensure that they have as much information as possible before making their application.

## **2. Purpose and Scope**

- 2.1 This revised statement of Licensing Policy sets out how the City Council, as the Licensing Authority, will promote the licensing objectives laid out in the Licensing Act 2003. The Licensing Authority will continue to exercise its functions under the Act with regard to those objectives and to guidance issued by the Secretary of State.
- 2.2 The words and sentences contained within the Policy shall have the meaning as defined in the Licensing Act 2003. The Appendices contained do not form part of this Policy.
- 2.3 It should be recognised that this Policy covers a wide variety of premises, and activities carried out in them, including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, church halls and community centres as well as off-licences and late-night food premises selling hot food or hot drink after 11.00 pm. For this reason, this Policy cannot detail all the factors that influence the promotion of the licensing objectives, nor can this Policy detail all the control measures that may be appropriate.
- 2.4 Applicants, responsible authorities and other persons are encouraged to enter into dialogue through the Licensing Authority with regard to any matters concerning their interests in any application. In accordance with the Act the Licensing Authority shall remain impartial in its dealings with all parties.
- 2.5 This Policy has been developed, in consultation with responsible authorities, the trade and the general public.
- 2.6 This Policy is not a statement of law and in its application; regard should be given to the statutory guidance issued under Section 182 of the Licensing Act 2003 as amended from time to time by the Secretary of State also to the Act itself which shall take precedence.

## **3. The Policy**

- 3.1 The 2003 Act requires that the Licensing Authority carries out its various functions so as to promote the following four licensing objectives:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**

- 3.2 Section 5 of the 2003 Act requires that the Licensing Authority publishes a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply, to promote the licensing objectives when making decisions on applications made under the Act. The Policy will be reviewed every five years in accordance with the 2003 Act. Should it be deemed necessary the policy will be reviewed at intervals of a lesser period to deal with any changes in legislation and policy.
- 3.3 This 'Statement of Licensing Policy' has been prepared to assist applicants, responsible authorities, persons making representations and Members of the Licensing Committee by defining the principles that the Licensing Authority will adopt in dealing with licence applications.
- 3.4 Officers of the Licensing Authority will have regard to this policy when dealing with applications, representations, mediation, advising the Licensing Sub-Committee and all other relevant matters.
- 3.5 In order to promote the licensing objectives the Licensing Authority will actively encourage partnership working with other local authorities, the police, the fire and rescue service, local businesses, performers, local people and those involved with child protection as well as neighbourhood and community teams and groups, to make sure that the needs of different communities are considered.
- 3.6 The Licensing Authority recognises that co-operation and partnerships, such as those above, remain the best means of promoting the licensing objectives.
- 3.7 Neighbourhood/community/locality teams, with good knowledge of particular areas, is a way of promoting an effective partnership approach and making effective representations. This could open the door for them to make representations in areas outside the CIA, especially in areas where there is problematic street drinking.
- 3.8 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. **Following relevant representations, the council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives** and/or use effective enforcement to address premises where there are problems, in partnership with key agencies and Responsible Authorities.
- 3.9 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy statement as Appendix 'N'.
- 3.10 The Licensing Authority will, when acting as a Responsible Authority, act in accordance with the Government Guidance issued under Section 182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another Responsible Authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a Responsible Authority.

- 3.11 There is not a specific licensing objective related directly to health within the current legislation. But it is recognised that when making a representation, Public Health is most likely to relate such representations to the objectives on public safety and protection of children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning.
- 3.12 Public Health's contribution may also include help to develop and review a CIA or to identify and interpret health data and evidence to support the licensing process, including:
- Exploring the impact of alcohol-related incidents on emergency and healthcare services.
  - Consider the proximity of licensed premises to schools, youth centres, playgroups and family centres, among other venues where children are present.
  - A&E data relating to young people and alcohol-related incidents
  - Data analysis on attendance at A&E and hospital admissions following alcohol related incidents.
  - Support the sharing of health information with other responsible authorities where it links to public safety
  - Provide evidence on the impact of the health and wellbeing of vulnerable groups and the effect this has on antisocial behaviour
  - Work with responsible authorities to set up a system of data sharing.
  - Track the impact of assaults and violence on victims and their families.
  - Assess the risks to children and engage with statutory and voluntary children's services.

## **4. Consultation**

- 4.1 In preparing this Policy Statement, the Licensing Authority has consulted with all statutory consultees. These include the Chief Constable for the Humberside Police Force, the Chief Fire Officer for Humberside Fire and Rescue Service, Hull's Safeguarding Children Partnership, Environmental Health, Public Health representatives, bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the City. The views of these bodies have been given appropriate weight in determining this Policy.
- 4.2 Please refer to Appendix 'A' attached to this document, for a full list of the bodies consulted during the preparation of this Policy.

## **5. Main Principles**

- 5.1 Nothing in this Policy Statement will:

- (a) Undermine the rights of any person to apply under the Licensing Act 2003 for a variety of permissions and have the application considered on its individual merits, and/or
  - (b) Override the right of any person to make representation on any application or seek a review of a licence or certificate where they are permitted to do so under the Licensing Act 2003.
- 5.2 The Licensing Authority recognises that there are a number of mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- (a) Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments.
  - (b) Designation of parts of the City as places where the consumption of alcohol is controlled.
  - (c) Regular liaison with Humberside Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices; prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults in designated areas or children in any public place and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises.
  - (d) The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate.
- 5.3 The Licensing Authority is currently addressing many of these issues through a number of groups which meet regularly to facilitate co-operation and co-ordination between partner agencies, businesses and residents to link in and support the strategic objectives for crime and disorder and alcohol related harm reduction within the City.

## **6. Cumulative Impact**

- 6.1 The Licensing Authority will not take 'need' into account when considering an application, as this is a matter for the market. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.
- 6.2 There may be evidence that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from individual premises.



- 6.3 In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider undertaking a Cumulative Impact Assessment (CIA) where the authority considers that the cumulative effect of licences is such that the granting of any further licences would undermine one or more of the licensing objectives.
- 6.4 The Licensing Authority will not use any CIA solely:
- (a) As the grounds for removing a licence when representations are received about problems with existing licensed premises, or
  - (b) To refuse modifications to a licence, except where the modifications are directly relevant to the CIA, for example where the application is for a significant increase in capacity limits.
  - (c) As grounds for introducing fixed terminal opening hours unless the circumstances of the individual premises or application warrant.
- 6.5 Following a request and evidence from Humberside Police in 2018, Hull City Council conducted a Cumulative Impact Assessment for the location bordered on and between: Spring Bank, Princes Avenue, Newland Avenue, Cottingham Road, following concerns about crime, disorder and public nuisance in the area.
- 6.6 The Licensing Authority conducted a three year review of the CIA, consulting with the relevant authorities and individuals, as specified in Section 5(3) of the 2003 Act, on whether there is evidence that there is a continuance of serious problems of nuisance and disorder in the area and the Council, on 18 November 2021, determined that there is a need to publish a CIA for the area detailed above.
- 6.7 The CIA relates to all off licences and to takeaways having a premises licence that authorises the sale of alcohol.
- 6.8 The evidence for this is set out in the Police Submission and Data analysis which, together with a map of the area, is shown at Appendix 'N'
- 6.9 While the evidence underpinning a CIA should generally be suitable as the basis of a decision to refuse an application or impose conditions, where relevant representations are received, it does not change the fundamental way that decisions are made under the Licensing Act 2003. If the applicant demonstrates in their operating schedule and evidences that there will be no negative cumulative impact on one or more of the licensing objectives, or if no representations are received, the application will be granted regardless of the CIA. Existing licensed premises can continue to trade unaffected by the publication of the CIA unless a premises licence holder seeks to vary their licence in a manner that could cause negative cumulative impact.
- 6.10 The Licensing Authority will review any CIA every three years to see if it is still needed.
- 6.11 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting

styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.

- 6.12 It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the cumulative effect of existing licences and will consider the circumstances of each individual application.
- 6.13 The Licensing Authority recognises that the publication of a CIA is not the only means of addressing the impact of licensed premises in any given area. Other control measures could include:
- The use of Planning Controls
  - The use of CCTV systems
  - Public Spaces Protection Orders
  - Closure Powers
  - Police enforcement of the normal law concerning disorder and anti-‘social behaviour
  - The prosecution of individuals selling alcohol to persons who are drunk
  - The review of premises licences where appropriate.

## **7. The Licensing Objectives**

- 7.1 This part of the policy details the Council’s commitment in relation to the Licensing Objectives. The four objectives are:
- The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The protection of Children from Harm

Each objective is of equal importance and of paramount consideration at all times.

- 7.2 When addressing the Licensing Objectives an applicant for a premise licence should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of those objectives and include the steps they intend to take to address these issues within their operating schedule.
- 7.3 The application may be subject to a hearing, following a relevant representation, where the Licensing Authority may impose conditions it deems appropriate for the promotion of the licensing objectives.
- 7.4 Similarly, if a currently licensed premises causes concern then it may be subject to a review.
- 7.5 Therefore the Premises Licence Holder and Designated Premises Supervisor should work with the Responsible Authorities to ensure that such steps, as are required, are taken to promote the licensing objectives. The measures should be necessary, proportionate and reasonable to promote the licensing objectives.

- 7.6 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The licensing authority encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses *before* applications are submitted in order to minimise the scope for disputes to arise. The licensing authority will be able to indicate where there may be resident or business groups which can be consulted.
- 7.7 Applicants are required to make it clear in their applications, why the steps they are proposing are appropriate for the premises in order to promote the licensing objectives.
- 7.8 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively; the legislation actively encourages a partnership approach.
- 7.9 Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will become enforceable conditions that will be attached to premises licences.
- 7.10 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

## **8. The prevention of Crime and Disorder**

- 8.1 The Licensing Authority expects individual licence holders, new applicants and temporary event organisers to regularly review their arrangements in addressing crime and disorder issues pertinent to the area where their premises and/or event is situated and to their particular licensable activities. Licence holders need to be pro-active in reducing all types of crime and anti social behaviour committed by persons using their premises and where specific problems have been identified, are encouraged to work in partnership with the police and other responsible authorities to tackle those problems.
- 8.2 In considering any application before it, the Licensing Authority shall have regard to Crime and Disorder legislation that requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality.
- 8.3 In addition to the above, the Licensing Authority in discharging its responsibilities under this licensing objective, shall have regard to all other relevant legislation and in particular Anti-social Behaviour and other government and local strategies such as:
- (a) Action Plan for tackling Alcohol Related Crime, Disorder and Nuisance;
  - (b) Hull Alcohol Strategy

- (c) City Plan;
- (d) Planning Policy Guidance;
- (e) Safer Clubbing – (see the Checklist at Appendix ‘B’ for club owners, managers and event promoters and Appendix ‘C’ for key actions involving the City Council);
- (f) *Better Regulation Delivery Office: ‘Age Restricted Products Services – A Code of Practice for Regulatory Delivery’, and*
- (g) Crime and Disorder Reduction Strategy.

### Partnership Working

8.4 The Council is keen to work with the other Responsible Authorities and relevant regulatory bodies to reduce crime and disorder in the City. The Licensing Authority links in with a number of local partnership groups which meet regularly to discuss licensing related matters and will aim to work closely with the licensed trade to address related issues that arise.

### CCTV

8.5 CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises shall have an effective CCTV system installed that operates in compliance with the current Humberside Police Code of Practice.

### Door Supervisors

8.6 The times during which door supervisors are employed and the number considered necessary is a matter for the premises licence holder and designated premises supervisor to address when promoting the four licensing objectives. However, licence holders, or designated premises supervisors should consider employing door supervisors in the following circumstances: where alcohol is sold after 11.00 pm, where dancing is provided, at premises where the maximum occupancy figure is anticipated and at premises providing entertainment carrying a special risk. Special risk events could include adult entertainment, pugilistic events or a demonstration of hypnotism.

### Drugs

8.7 The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. However, it is also recognised that special measures must be taken to prevent the sale and consumption of illegal drugs.

8.8 The Licensing Authority recommends the provision, by the premises licence holder, of a secure receptacle for the storage of seized drugs, in all premises

- selling alcohol after 12.00 midnight where dancing is provided as part of the entertainment.
- 8.9 It is further recommended that seized drugs be packaged in containers provided by the licence holder and approved by Humberside Police. The seized drugs should be registered in a log before being deposited in a secure receptacle.
- 8.10 Humberside Police shall be responsible for the periodic emptying of the secure receptacle.
- 8.11 All keys supplied with the secure drugs safe MUST be presented to a Humberside Police Licensing Officer and no spares are to be kept on the premise. All keys and other means of access will be retained securely at the local police licensing office.

### Drink Spiking and Injection Incidents

- 8.12 The Licensing Authority recommends that the premises licence holder takes steps to prevent the possibility of drink spiking by offering various anti-drink spiking products to customers.
- 8.13 If a customer suspects that their drink has been spiked, it should be reported to the police immediately.
- 8.14 Further information relating to drink spiking and injection incidents can be found at Appendix 'H'

### Bottles and Glasses taken from Premises

- 8.15 Open bottles and glasses taken from premises can be later used as offensive weapons. Premises licence holders may wish to include in their operating schedules measures that will prevent such use (see. Appendix 'H', Polycarbonate Containers and Toughened Glass).

### Controlling Numbers

- 8.16 Overcrowding in premises offers major potential for crime and disorder. Premises Licence Holders and Designated Premises Supervisors should ensure that members of staff responsible for door control are aware of the maximum occupancy figure. Consideration should be given to the increased use of outside areas and the impact this has on maximum occupancy figures.
- 8.17 In premises where the maximum occupancy figure is likely to be achieved the Licensing Authority recommends the use of a counting system that indicates the number of occupants at any one time.

### Proof of Age

- 8.18 The licence holder, or designated premises supervisor of premises licensed for the sale or supply of alcohol, frequented by young persons, should consider

adopting a suitable proof of age policy. The Yorkshire and the Humber Trading Standards Group has produced an underage sales guidance pack for suppliers of age restricted products, copies of which are available from the Licensing Section.

### Dancing

- 8.19 Dancing in crowded areas may be a potential flashpoint for violence and disorder. The Licensing Authority recommends that licence holders carry out a thorough risk assessment that measures customer comfort and promotes a safe environment and assists supervision.
- 8.20 Any applicant should consider, as a matter of course: the construction and positioning of a suitable permanent or temporary dance floor, adequate supervision of dancers, a safe location for the DJ or artists, any potential impact of special effects and lighting, areas for safe bottle and glass storage, no drinks on the dance floor and any noise nuisance.

### Sporting Events

- 8.21 On some occasions sporting events maybe a cause of crime and disorder. Where disorder at sporting events in the City may be reasonably anticipated, the Licensing Authority encourages licence holders to close when requested to do so by the senior police officer in charge of the event, or his agent.
- 8.22 Premises licence holders should give consideration to the use of door supervisors on days when custom is likely to be affected by a sporting event.

### Premises Providing Entertainment

- 8.23 The Licensing Authority asks that care is taken when advertising any entertainment to ensure that any displayed advertisement does not offend against good taste or decency, encourage or incite crime, lead to disorder, or be offensive to the public.
- 8.24 Premises that provide adult entertainment involving striptease/nudity but do not meet the threshold level requiring them to be licensed as a 'sexual entertainment venue' (see 10.4 below) are encouraged to adopt in their operating schedule the special guidelines shown at Appendix 'D' attached to this policy.

### Off-licences

- 8.25 Off-licences present a major concern to the Licensing Authority over the escalation of crime and disorder from shoplifting and the sale of alcohol to under-age persons. Whilst particular focus will clearly be on alcoholic products, retailers with an off licence have responsibility to discourage, disrupt and prevent all crime linked to their store. Retailers have primacy for being proactive in reducing crime and anti-social behaviour committed by visitors to their premises, working in partnership and with the police and local authority.

The Licensing Authority recommends that the following steps be taken:

- (a) The proper siting and protection of stock within the shop to ensure against shoplifting. Where practically possible alcoholic products should be stored behind a counter. Alcoholic and non-alcoholic products should not be stored together, i.e. in fridges etc, to prevent not only shoplifting, but the sale of alcohol to those under age.
- (b) Checking the ages of young persons purchasing alcohol by operating an effective proof of age system.
- (c) Ensuring that purchases of alcohol have not been made on behalf of under-age persons waiting outside the premises. This can be achieved by having unobstructed shop windows or a CCTV camera situated on the front of premises.
- (d) That documented staff training is established and implemented.

When it is considered appropriate, the Licensing Authority may impose conditions that there should be no sale of beers, lagers and ciders with an alcohol by volume (abv) greater than 6.5%. The authority may impose other conditions as appropriate to reduce the likelihood of theft or street drinking.

### Club/Pub Watch

- 8.26 The Licensing Authority recognises the important role of licensees working together to create a safe and secure environment for customers, thereby reducing crime and disorder in the area.
- 8.27 The Licensing Authority will therefore do all that it can to support the creation and effective working of Club and Pub Watch schemes and other trade associations in the area.

## **9. Public Safety**

- 9.1 Licensed premises have a significant potential to have an adverse impact on public safety through its activities, such as accidents and injuries from planned and unplanned activities. The majority of accidents are foreseeable, and if the risks are properly considered, they can be significantly reduced.
- 9.2 Licensed premises should use the principles of risk assessment and undertake a suitable and sufficient risk assessment in determining the steps to be taken to promote the Public Safety objective. Example risk assessments for specific kinds of premises (pub, nightclub, off licence, convenience store, village hall, food preparation, etc.) are available on the HSE website <https://www.hse.gov.uk/simple-health-safety/risk/risk-assessment-template-and-examples.htm>
- 9.3 In the interest of public safety, all licensed premises should be maintained to an

acceptable level, in accordance with current legislation and safety standards. The Premises Licence Holder and the Designated Premises Supervisor should ensure the standards are maintained.

9.4 To promote public safety the Licensing Authority will consider whether or not appropriate risk assessments, management procedures and maintenance and inspections are in place and are made available to the relevant authorities. In particular the Licensing Authority would consider:

- (a) Whether the application has identified the maximum number of persons that can be present on the premises, and parts thereof, that will permit the safe operation of the premises and the safe evacuation of persons in the event of fire or any other cause.
- (b) What procedures are in place to record the number of persons on the premises at any one time.
- (c) The effect of any equipment or special effects on public safety (vehicles, pyrotechnics, lasers, strobe lights and smoke machines etc.).
- (d) Whether there are defined procedures in place for managing medical or other emergencies. These are likely to differ between premises depending upon the activities which the premises gets involved in promoting.
- (e) Whether the application has provided clear and precise information on the measures proposed to promote the Public Safety objective.

9.5 In the interest of public safety, all licensed premises should be maintained (including cleaning as appropriate) in an efficient state, in efficient working order and in good repair. Information relating to existing Health and Safety regulations can be obtained from the Council's Health and Safety Section and their contact details can be found in Appendix 'N'.

Further detailed guidance to licensees is outlined at Appendix 'E' and Appendix 'I'

### Fire Safety

9.6 Humberside Fire and Rescue have prepared detailed Fire Safety Guidelines and The Dangers of Illicit Cigarettes and Related Smoking Materials which can be found at Appendix 'F'

### Health Impacts – Illegal / Illicit Tobacco

9.7 Hull City Council's Public Health have produced a statement with regard to the Health Impacts of Continuing Availability of Illegal Tobacco in the City of Hull which can be found at Appendix 'M'

### Food Safety

9.8 Employers and employees have a statutory duty to comply with the requirements



of all current statutes and regulations relating to Food Safety which are not in anyway relieved by the attachment of conditions to a premises licence or a club premises certificate. Further information can be obtained from the Council's Food/Health and Safety Section and their contact details can be found in Appendix 'N'.

### Alterations to the Premises

- 9.9 Where premises licence holders wish to make structural alterations, they should inform the Licensing Section if there is a potential impact on the licensable activities or to one or more of the licensing objectives. A plan of the proposed alterations should be included.
- 9.10 Alterations may result in the need for the premises licence holder to submit either a minor or full variation to the premises licence and advice and guidance on the potential requirements is available from the Licensing Section

## **10. Prevention of Public Nuisance**

- 10.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. Such nuisances include litter, noise, light pollution and noxious smells. The Licensing Authority will consider the potential for nuisance associated with the style and nature of the proposed activities and whether or not the operating schedule contains sufficient and appropriate measures to reduce the risk of nuisance occurring.
- 10.2 In particular, the Licensing Authority will seek to protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises in the vicinity. For these purposes, 'vicinity' is taken to mean the immediate area around licensed premises.
- 10.3 At the same time, the Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with residents, statutory agencies and licensed businesses to ensure a mutual co-existence.
- 10.4 Where the considerations in paragraph 10.5 below apply to late-night refreshment premises, they shall only be taken to apply to their operation between the hours of 11.00 pm and 5.00 am when a premises licence would be required.
- 10.5 The Licensing Authority will particularly consider the following issues:
- (a) The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.

- (b) The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 10.00 pm and 7.00 am than at other times of the day.
- (c) The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
- (d) The steps taken by the applicant to prevent obstruction of the highway. This is particularly important where the premises does not have a dedicated smoking area within its boundary and patrons' use the highway to smoke.
- (e) The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly.
- (f) The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents.
- (g) Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons. In this instance Licence Holders or Designated Premises Supervisors may wish to consider displaying timetables for late night bus operations in the foyer of their premises. They may also wish to consider dedicated telephone lines direct to hackney carriage/private hire offices.
- (h) Whether licensed taxis or private hire vehicles are likely to disturb local residents.
- (i) The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices, domestic dwellings and in particular flats above licensed premises, or places of worship.
- (j) The use of premises for the consumption of food or alcohol, in particular:
  - i) The hours such activities take place;
  - ii) Whether the premises are close to residential accommodation;
  - iii) The need for supervision of those areas;
  - iv) The measures in place to disperse patrons when proposed activities cease, and
  - v) The proposals to clean the area and remove glasses and crockery etc.
- (k) Delivery and collection areas and times;

- (l) The siting of external lighting, including security lighting that is installed inappropriately;
  - (m) Whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including cigarette ends, fly posters and illegal placards) in the vicinity of the premises, and
  - (n) Any history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.
- 10.6 Many of the above issues can be addressed by the adoption of a dispersal policy, no matter what size of premises is being operated. Such a dispersal policy is shown at Appendix 'G'.
- 10.7 Applicants should note that the granting of a licence does not remove the need to comply with statutory requirements including planning and all legislation relating to environmental protection will continue to apply.

## **11. Protection of Children from Harm**

- 11.1 The Licensing Authority works alongside Hull Safeguarding Children Partnership to ensure that appropriate protections are in place to protect children from physical or psychological harm on licensed premises. This includes identifying any risk to safeguarding and child sexual exploitation (CSE), whilst children are on the premises, and putting relevant controls in place.
- 11.2 This Policy presumes that children will be allowed access to any part of licensed premises of whatever kind, subject to:
- (a) the licensee's discretion, and/or
  - (b) any conditions included in a premises licence or club premises certificate, and
  - (c) any factors which may give rise to particular concern including:
    - i) Where there have been convictions of members of the current staff for serving alcohol to minors.
    - ii) Where premises have a reputation for underage drinking.
    - iii) Where there is a known association with drug taking or dealing.
    - iv) Where there is a strong element of gambling on the premises.
    - v) Where entertainment of an adult or sexual nature is proposed.

- vi) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- vii) Where members of the current staff have been convicted of a sexual offence against any persons or children in particular.

11.3 Where licence holders have reasons to restrict the access of children to licensed premises, appropriate means of so doing will include the following. The choice or extent of such restrictions will depend on the specific circumstances of the relevant premises.

- a) Limitations on the hours when children may be present;
- b) Age limitations (below 18);
- c) Limitations or exclusions when certain activities are taking place, and
- d) Requirements for accompanying adults/parental supervision.

11.4 To avoid doubt, a complete ban on the access of children to licensed premises will only be imposed in exceptional circumstances albeit that this Policy does not require the admission of children to any premises.

11.5 To avoid confusion, licence holders are recommended to prominently display on the exterior of their premises an advisory notice indicating whether or not children are allowed access to those premises.

11.6 When addressing Protection of Children from Harm, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children and include within the operating schedule such steps as are deemed necessary to resolve them.

11.7 For the purposes of the Licensing Act 2003 the Licensing Authority considers the 'Responsible Authority' with regard to Protection of Children from Harm to be the Hull Safeguarding Children Partnership.

11.8 Hull Safeguarding Children Partnership has produced an information and guidance document – 'Protecting Children from Harm in Licensed Premises' which is shown at Appendix 'L'

#### 11.9 Special consideration in respect of Cinemas

The Licensing Authority will expect licensees to impose conditions that children who have not reached the prescribed age will be prevented from viewing age restricted films, classified by the BBFC or the City Council itself.

#### 11.10 Regulated Entertainment

At places of regulated entertainment the Licensing Authority may require licensees to make appropriate arrangements for the supervision of children on the premises including their entry and exit. This may include the provision of a minimum number of suitably qualified staff who have been subject to the appropriate checks conducted by the Criminal Record Bureau.

#### 11.11 CSE and Safeguarding Training

Premises Licence Holders should consider giving training to their staff to raise awareness of CSE and safeguarding issues. This training is relevant to all premises, but especially to those that allow children into the premises.

## **12. Other Statutory Provisions**

12.1 When considering the Licensing Policy and determining applications the Council has considered other statutory requirements and in accordance with the Secretary of State's Guidance this policy will aim to avoid duplication with other statutory provisions.

#### 12.2 Equalities

The Licensing Authority is fully committed to promoting equal opportunities and non-discriminatory practice. The Licensing Authority will comply, in the exercise of all its functions, with the Equality Act 2010 which places a legal obligation on public authorities to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

12.3 The Licensing Authority will comply with the guidance issued by the Secretary of State in relation to equality issues.

#### 12.4 Health and Safety

The Licensing Authority will not usually attach conditions to a licence relating to current health and safety legislation; however breaches of such legislation will be taken very seriously. Action could result in a review of the premises licence where the holder has committed an offence under this legislation (See appendices I and J for more information).

#### 12.5 Adult Entertainment (Sex Establishment Licence)

Hull City Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) in order to regulate sex shops, sex cinemas and sexual entertainment venues within the City; therefore an application for a Sex Establishment Licence

should be made if the premises licence holder wishes to provide a lap dancing club or similar venue.

#### 12.6 Smoking

Smoking is not permitted in those parts of the premises which are enclosed or substantially enclosed in accordance with the Health Act 2006. Breaches of such legislation will be taken very seriously. Action could result in a review of the premises licence where a person has committed an offence under this legislation.

Further guidance on smoking related issues can be obtained from the Council's Health and Safety Section. See Appendix 'N' for contact details.

#### 12.7 Copyright

Where the licensable activities include the playing of recorded music, the licence holder should have the appropriate Performing Rights Society and Phonographic Performance licenses in place, as well as being compliant with any subsidiary regulations relating to copyright.

#### 12.8 Provision of toilet facilities for staff and the public

##### Public Toilets

Public toilets must be provided at any 'relevant place' including places of regulated entertainment and places where food or drink is sold to members of the public for consumption on the premises.

For licenced premises, toilets including washing facilities, must be provided in accordance with British Standard: Sanitary Installations (BS 6465-1:2006, having regard to the occupancy figure for the premises.

##### Staff Toilets

Staff toilets must be provided in accordance with the Workplace (Health, Safety and Welfare) Regulations 1992, as amended.

### **13. Club Premises Certificates**

- 13.1 The Licensing Act 2003 recognises that private premises acting as private members' clubs, restricting access to members of the public; and where alcohol is supplied rather than sold for profit, should be treated differently from commercial enterprises selling to the public. Such clubs can apply for a club premises certificate. There is no need for a Designated Premises Supervisor in respect of a club premises certificate, but such clubs are encouraged to specify a member of the committee as a first point of contact in respect of issues relating to their club premises certificate.

- 13.2 Any club run commercially by a person for business or profit does not qualify for a club premises certificate and would therefore require a premises licence.
- 12.3 Clubs that hire out a function room to non-members would require either a premises licence or the submission of a Temporary Event Notice.

## **14. Licensing Hours**

- 14.1 The Licensing Authority recognises that longer licensing hours for the sale of alcohol would avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, taxi ranks, private hire offices and other sources of transport that could lead to disorder and disturbance.
- 14.2 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 14.3 This would treat residents in one area less favourably than those in another, as well as causing the peaks of disorder and disturbance that legislation is trying to avoid.
- 14.4 The Licensing Authority will deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas.
- 14.5 Licence holders are recommended to prominently display a notice, on the outside of the premises indicating the approved opening times.

## **Shops, Stores and Supermarkets**

- 14.6 The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.
- 14.7 However, it may consider there are very good reasons for restricting those hours, for example, where police representation is made in respect of shops known to be the focus of disorder and disturbance.

## **15. Integrating Strategies**

- 15.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the Prevention of Crime and Disorder and Public Nuisance.

- 15.2 The licensing authority will secure the proper integration of its licensing policy with strategies that deal in part with the licensing function including local crime prevention, transport, tourism, equality schemes, cultural strategies and any other plans relating to the management of the City and the Night Time Economy.
- 15.3 Arrangements has been made for the Licensing Committee to be informed of integrating strategies to ensure these are reflected in their decisions:

## **16. Licensing and Planning**

- 16.1 Planning permission, building control and licensing regimes involve consideration of different, albeit related, matters, and these regimes will be properly separated to avoid duplication. However, at both national and local government levels there is a desire to see greater integration between Planning and Licensing.
- 16.2 If no relevant representations\* against an application are received then the Licensing Authority has no discretion and the licence must be granted as applied for subject only to conditions which are consistent with the Operating Schedule and relevant mandatory conditions, irrespective of any Planning Conditions that are present in respect of the premises.
- 16.3 Therefore anyone applying for a premises licence will need to be aware of and note that they will be bound by restrictions imposed by the planning consent as well as the restrictions that might be imposed on the premises licence. Consideration should be given to the use of both internal and external areas of the premises in this respect.
- 16.4 Where there are relevant representations\*, it is recommended that Licensing Sub-Committees, once they have made a decision based on the effect that the application will have on the Licensing Objectives, should then take into account any relevant planning information received from Planning Officers when deciding on the appropriate hours and conditions relating to premises.
- 16.5 These may not be directly related to the promotion of the licensing objectives but will, indirectly, impact on them. Therefore, co-ordination and integration is very important.
- 16.6 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to legal action under planning law.
- 16.7 Applicants are encouraged to indicate, when applying for a licence under the 2003 Act, whether they have also applied for planning permission or that they intend to do so. This gives licensing and planning officers the opportunity to discuss applications prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.



\* In addition to the Responsible Authorities, representations could be made by other persons such as residents, persons with an interest in the premises or locality, local councillors, businesses with an interest in the premises or locality, or organisations with an interest in the locality, premises or licensable activities.

## **17. Licence Conditions**

- 17.1 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with the responsible authorities when operating schedules are being prepared. This would allow for proper liaison before hearings prove necessary.
- 17.2 Where the responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, the Licensing Authority will grant the licence or certificate subject only to the application of enforceable conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 17.3 The Licensing Authority cannot impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied, at a hearing, of the necessity to impose conditions due to the representation raised. It will then, only impose conditions as are appropriate to promote the licensing objectives arising out of consideration of the representation. Such conditions will be focused on those matters which are within the control of the licence holder and will relate to the premises or the vicinity of them.
- 17.4 The Licensing Authority will not normally prescribe conditions that duplicate other legislation. However, it does recognise that this will not always cover all issues that may arise as a result of the provision of licensable activities. Therefore certain additional conditions may need to be applied to promote the licensing objectives.

## **18. Designated Premises Supervisors**

- 18.1 The main purpose of the 'Designated Premises Supervisor', as defined in the 2003 Act is to ensure that there is always one specified individual, among the personal licence holders, who can be readily identified for the premises where the sale of alcohol is permitted. That person will normally have been given day to day responsibility for running the premises by the Premises Licence Holder.
- 18.2 In view of this definition, the Licensing Authority would expect an applicant for a premises licence to confirm in his operating schedule, that the designated premises supervisor will regularly attend the premises and be in day to day charge of them.

## **19. Temporary Event Notices**

- 19.1 The Licensing Act 2003 permits licensable activities for less than 500 people to take place without the need for a premises licence being in place. However, advance notice (a Temporary Event Notice or TEN) must be submitted to the Licensing Authority, Humberside Police and the Council's Environmental Health (Environmental Regulation and Health and Safety Teams).
- 19.2 There are two types of TEN, a Standard TEN and a Late TEN:
- A Standard TEN is given no later than ten clear working days before an event is due to commence and the police and Environmental Health then have three working days to object to it on the basis of one or more of the four licensing objectives. If the Licensing Authority receives an objection then a hearing will be held unless all parties agree to modify the TEN.
  - A Late TEN is intended to be used in exceptional circumstances where the premises user, for reasons beyond their control, cannot submit a standard TEN. It can be given up to five working days before the event, but no earlier than nine working days before the event. If the police or Environmental Health object to a late TEN, then the event will not be able to go ahead.
- 19.3 The Licensing Authority recognises that many applicants giving temporary event notices will have no commercial background or ready access to legal advice. These will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals, all of which may stage public events to raise funding at which licensable activities will take place. Therefore, the Licensing Authority recommends that at least 28 working days notice be given to hold such events to allow organisers assistance in planning events safely.
- 19.4 Event organisers are advised to informally contact the Licensing Section at the earliest opportunity when planning events. Officers will be able to signpost organisers to relevant services that can provide specialist advice.

## **20. Applications for: Events to be held on Council land**

- 20.1 The promotion of events in Hull can provide opportunities for community involvement and can attract visitors to the city, contributing to the local economy. Therefore, the Council wishes to encourage cultural and community events being held in the city.
- 20.2 The Council and its partners holds premises licences for areas in the city, therefore, persons or organisations may not be required to obtain a premises licence or submit a temporary event notice themselves but would need the permission of the licence holder.
- 20.3 If you wish to hold an event on Council land in the city, we would strongly advise you to contact the Licensing Authority first to see if the area is already covered by

a premises licence and put you in contact with the appropriate person for permission.

- 20.4 The primary responsibility for safety of at all events rests with the event organisers.

## **21. Applications for Large Scale Events**

- 21.1 Where large scale events are planned, it is recommended that a premises licence application should be submitted *at least* 3 months before the event as, in most cases, large events will engage the Event Safety Advisory Group (ESAG).
- 21.2 The ESAG will meet as often as necessary and communicate event details to all its members. It will work with the event organisers to address any safety issues. Event planning meetings will be held between the event organiser and ESAG members, to discuss risk assessments, stewarding, policing proposals and other event specific information where appropriate. Similarly, site visits will be made.
- 21.3 The primary responsibility for safety of at all events rests with the event organisers.

## **22. Enforcement**

- 22.1 Once licensed, it is essential premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and are operated in compliance with the specific requirements of the Licensing Act 2003 and any conditions applied thereby.
- 22.2 The Licensing Authority will take proportionate but firm action against those who commit serious offences or consistently break the law.
- 22.3 The enforcement of licensing law and the inspection of licensed premises will be developed through joint working procedures and protocols, which reflect the need for more effective deployment of police, fire and local authority staff commonly engaged in licensing enforcement. These procedures and protocols will provide for the targeting of resources towards high risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises and premises that are well run.
- 22.4 Kingston upon Hull City Council has adopted the principles of the Government's Enforcement Concordat and the Regulator's Code designed to ensure effective and efficient public protection services. Enforcement under the Act will be carried out in a fair and consistent manner and will treat all cases and individuals with consideration and empathy in accordance with those principles.

## **23. Live Music, Dancing and Theatre**

- 23.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage and promote live music, dance,

theatre and performance, including street theatre and street circus, for the wider cultural benefit of the community, particularly for children. The Licensing Authority welcomes applications which would increase the range and frequency of these activities for the benefit of residents and visitors to the City.

- 23.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 23.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 23.4 The Live Music Act 2012 creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 8am and 11pm. However, if the premises sells alcohol for consumption on the premises, then the audience can consist or no more than 200 people. The Act also removes the licensing requirement for providing facilities for entertainment.
- 23.5 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, removes the licensing requirement for performances of plays and exhibitions of dance between 8am and 11pm, (up to audience limits of 500 people), and indoor sport between 8am and 11pm.(up to audiences of 1,000 people).

## **24. Circuses**

- 24.1 The Licensing Authority recognises that music and dancing are likely to be the main attractions in a circus performance which may also include other forms of regulated entertainment. That being the case, much will depend on the content of any entertainment presented, however circuses will often not be required to obtain a premises licence or submit a temporary event notice unless they intend to undertake other licensable activities such as the sale of alcohol or the provision of recorded music.
- 24.2 When applying for either a premises licence or giving a temporary event notice, the Licensing Authority encourages all operators to have regard to the Animal Charter, adopted by the City Council. Copies of the Animal Charter can be obtained by contacting the Licensing Section, details of which appear at Appendix 'N'

## **25. Boxing Events**

- 25.1 Boxing events are regulated entertainment under the Licenising Act 2003. Boxing events in the city can vary. Some types of boxing are licensed and follow the standards set by its own licensing body.
- 25.2 The Licensing Authority recognises that other types of boxing such as 'white collar boxing' and 'semi-pro boxing' are not licensed by any bodies and therefore

do not necessarily have to follow any standards. The Licensing Authority is aware that there have been a number of deaths and serious injuries from unlicensed boxing recently nationally.

25.3 Where an application is submitted to the Licensing Authority to grant or vary a premises licence, that includes boxing as a regulated entertainment, applicants are expected to agree to undertaking a suitable and sufficient risk assessment or event management plan for boxing events and submit a copy to the Licensing Authority, Environmental Health and police a minimum of 21 days prior to the event taking place.

25.4 The matters that should be included in the risk assessment or event management plan are:

- Full contact details of the organisers and other parties involved in the event.
- The medical cover that will be provided at this event.
- The medical checks that will be carried out on the boxers before and after the fight.
- How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category.
- Details of the ring set up and who will be carrying this out.
- The numbers of referees and judges taking part in the event.
- The type and weight of boxing gloves that will be used by the boxers and how these will be inspected.
- What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties.
- Details of the Personal Protective Equipment that will be worn by boxers.
- Actions that will be taken in an emergency and how parties will communicate.
- Site checks that will be completed prior to the event taking place.

25.5 This list is not exhaustive and they may be other matters that needs to be considered by the organiser, depending on the nature of the event taking place. The organiser is encouraged to contact Environmental Health and Humberside Police for advise at an early stage. .

## **26. Administration, Exercise and Delegation of Functions**

26.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

26.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-committees to deal with them.

- 26.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications including, for example, those licences and certificates where no representations have been made, has been delegated to Officers.
- 26.4 The table shown below sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-committee and Officers.
- 26.5 This form of delegation is without prejudice to Officers referring an application to a Sub-committee, or a Sub-committee to Full Committee, if considered appropriate in the circumstances of any particular case.

## DELEGATION OF FUNCTIONS

<b>Matter To Be Dealt With</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Application for personal licence		If a Police objection made	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 representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for a Minor Variation			All cases
Decision on whether to consult other Responsible Authorities on a Minor Variation			All cases
Application to vary designated premises supervisor		If a Police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection made	All other cases
Applications for interim authorities		If a Police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether or not a complaint is irrelevant, frivolous, vexatious, etc		All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a standard temporary event notice		All cases	
Suspend a premises licence/club premises certificate for non-payment of fees.			All cases

## **Consultation**

In determining this Licensing Policy, Hull City Council has consulted the following persons/bodies:

- Absolutely Cultured
- Admiral Taverns
- Andrew Jackson Solicitors LLP
- British Beer and Pub Association
- British Hospitality Association
- Chief Constable of Humberside Police
- Chief Fire Officer of Humberside Fire and Rescue
- Cineworld Cinemas Ltd
- Federation of Licensed Victuallers Associations
- Flint Bishop Solicitors
- Gambling Commission
- Gosschalks Solicitors
- Greene King
- Health and Safety Executive
- Hull and East Yorkshire CAMRA
- Hull and Humber Chamber of Commerce
- Hull BID
- John Gaunt and Partners
- Kuits Solicitors
- Kurnia Licensing Consultants
- Live Music Forum
- Mincoffs Solicitors
- Musicians Union - North of England Office
- Newland Residents' Association
- NHS Hull Clinical, Commissioning Group
- Odeon Cinema
- Poppleston Allen Solicitors
- Punch Taverns
- Quality Solicitors Lockings
- Rank Group Plc
- Reel Cinemas
- Rollits Solicitors
- Sandersons Solicitors
- Shoosmiths
- TLT Solicitors
- Vue Cinemas
- Walker Morris Solicitors
- Winckworth Sherwood LLP Solicitors
- Woods Whur Solicitors
- Yorkshire and Humberside Immigration Team



- Neighbouring Local Authorities, including:

East Riding of Yorkshire Council  
North East Lincolnshire Council  
North Lincolnshire Council

In addition, various other professional persons within Hull City Council have been consulted. These include:

- Hull City Council Members (Councillors)
- Assistant Director Citysafe
- Assistant Director Economic Development & Regeneration
- Assistant Director of Health and Wellbeing
- Assistant Director of Safeguarding
- Corporate Events Manager
- Director of Public Health
- Director of Regeneration
- Environmental Regulations Manager
- Food/Health and Safety Manager
- Head of Public Protection
- Hull Safeguarding Children Partnership
- Neighbourhood Nuisance Manager & Team Leaders
- Planning Services
- Public Health Intelligence Manager
- Trading Standards Manager

### **The Safer Clubbing Checklist** **for Club Owners, Managers and Event Promoters**

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

Key activities of club owners, managers and event promoters include:

1. Communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue
2. Developing a constructive working relationship with local authority licensing officers and police officers with licensing responsibilities
3. Developing a venue drug policy in consultation with Licensing and Police Officers
4. Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully
5. Employing door supervisors who are registered by the Security Industry Authority (SIA)
6. Employing experienced and fully trained first aiders, who hold a valid First Aid Certificate.
7. Providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent contamination of water by others
8. Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers
9. Considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team
10. Sharing intelligence on drug use and drug dealing with police officers and other local venues
11. Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues
12. Considering the provision of safe transport home
13. Ensuring that all staff are aware of the law, and the responsibilities of the club to work within it

## 14. Appendix 'C'

**Key Actions for Licensing Authorities  
in Connection with Safer Clubbing**

In connection with safer clubbing, the role of the local authority Licensing Officers is to take the lead in ensuring that dance venues are designed and run in a way which maximises the safety of customers, performers and staff. With the police, they are responsible for monitoring and enforcing compliance with regulations.

Key activities of local authority licensing officers include:

1. Providing clear information on how to apply for a premises licence
2. Providing induction training to Councillors serving on Licensing Committees
3. Advising venue owners on how to establish and maintain a safe environment
4. Advising venue owners, in partnership with police officers and police licensing officers, on the development of a venue drug policy
5. Ensuring that sufficient first aiders are always present and are trained to a high standard
6. Liaising with police licensing and other officers to ensure good communication about potentially dangerous venues
7. Encouraging venues to use outreach services
8. Encouraging venues to provide safe transport home
9. Monitoring the operation of clubs at times of peak occupancy

## **Code of Practice for Adult Entertainment Involving Striptease/Nudity**

This Code of Practice is applied to adult entertainment containing striptease/nudity to ensure that the venue is well run, the performers and customers are properly supervised and that prostitution is not tolerated by the proprietor or his staff, thus avoiding any problems either inside or outside of the premises. The Code of Practice was developed after consultation with Humberside Police, other local authorities and providers of adult entertainment.

### **Performers**

1. Performers shall **not** engage in prostitution or soliciting.
2. Performers shall **not** fraternise with customers who are outside of the premises.
3. Performers shall **not** leave the premises until their engagement is fulfilled unless prevented by illness or injury.
4. Performers who leave the premises during the course of their shift shall not be re-admitted until their next working shift.
5. Performers shall proceed to the dressing area and get dressed immediately after a performance has been completed.
6. Performers shall be fully clothed when not actually performing. This should include appropriate outer garments, excluding dressing gowns and bath robes.
7. No performance shall involve any physical contact between performers.
8. No performance shall involve the use of any sex article as defined by the Local Government (Miscellaneous Provisions) Act 1982).
9. Garters worn for the collection of gratuities shall be situated no higher than mid-thigh.
10. Performers shall not be paid commission on the sale of beverages.

### **Premises**

1. The area proposed for striptease shall:
  - (a) be in a position where the performance cannot be seen from the street;
  - (b) be in a designated area segregated from the audience by at least 1 yard,
  - (c) be in a position where the performers will have direct access to the dressing area without passing through, or close to, the audience.

2. Table dancing shall only take place in an area segregated and screened from the main audience and will be subject to 1(c) above.
3. There shall be no advertisement of striptease on the outside of the premises or in its immediate vicinity without the prior consent of the Head of Democratic Services.
4. CCTV shall be installed to cover all areas where dancing takes place. The cameras shall continually record whilst the premises are open to the public and recordings should be stamped with the time and date and be retained for a period of 28 days. Recordings and viewing facilities shall be made available to any authorised officer of the Council or a Police Officer on request.

### **General**

1. No person under the age of 18 shall be admitted to the premises when entertainment involving any form of nudity is provided.
2. There shall be no contact between customers and performers other than the placing of gratuities into the garter or hands of the performer.
3. The customer shall remain seated at all times during a table dance.
4. Suitably registered door staff should be employed on the premises during the event. There should be sufficient numbers to control admission to the premises and to monitor activities in the area where the entertainment is to be provided.
5. Performers shall be escorted to their transport when they leave the premises by a member of staff or door person.
6. All performers shall be under the direction of the premises licence holder or designated premises supervisor.

## **Guidance Notes on Health and Safety**

### **Electrical and Gas Safety**

Premises licence holders and designated premises supervisors should ensure that the following standards are maintained:

1. The electrical installation shall be inspected and tested in accordance with regulations current at the time of inspection.
2. There shall be at all times, kept readily available for examination all authorised officers of the Council, current Electrical Installation Condition Report and, where appropriate, Electrical Completion Certificate(s) for all electrical circuits, alterations and modifications albeit temporary or permanent. Circuits serving and comprising any Emergency Lighting System and Fire Warning System must also be certificated.
3. Electrical Installation Condition Reports shall only be issued by a competent person.
4. Electrical Installation Condition Reports shall include details and results of all tests undertaken.
5. A schedule of work as defined by the competent person must accompany or form part of any Electrical Installation Condition Report and any work required to be done must be completed within 28 days, or within the period specified by the competent person, whichever is the sooner. Work done must be covered by additional certification.
6. Suitable Residual Current Devices, have an adequate load current rating and a 30mA tripping current and operating within 40mS at a tripping current of 150mA (i.e. 5 x the tripping current) shall be installed to protect: -
  - (a) all socket outlets for use with temporary or portable electrical equipment;
  - (b) all circuits associated with spotlights or other stage lighting equipment, and
  - (c) any other circuits as required by the Council.

Alternatively, suitable safe system(s) may be agreed in writing by the Council.

7. The designated premises supervisor shall test all Residual Current Devices at least once every period of 28 days and shall maintain a record of all tests made, and such record shall be kept readily available for examination.

8. All portable equipment used on the premises, shall be examined by a competent person, and maintained in a safe condition.
9. Any temporary electrical installation shall be installed by a competent person and shall be inherently safe.
10. No temporary electrical installation shall remain connected to the permanent electrical installation when not in use.
11. Any electrical cable not forming part of the permanent installation shall be heavily and adequately insulated and protected, and any metal clad switch gear, spot lamp frames or similar equipment shall be effectively earthed and each circuit adequately fused or protected by earth leakage circuit breakers.
12. The designated premises supervisor shall ensure all gas fittings (including pipe work, meters, appliances, etc) at the premises are maintained and checked by a competent Gas Safe Register engineer every 12 months. There shall be at all times, readily available maintenance records for all authorised officers of the Council.

## Accidents

The designated premises supervisor shall keep a record of all accidents, however caused, to all persons using the premises. Records must be kept readily accessible and available for inspection by all authorised officers of the Council. Such records shall include: -

1. Full name and address of the injured person;
2. Age and sex;
3. Date, time and exact location of accident within the premises;
4. Nature of injury or condition;
5. Reference to further medical attention;
6. Name and contact details of any witness;
7. Status of injured person, i.e. employee, public, self-employed;
8. Description of circumstances, and
9. Outcome/follow up.

Where the Kingston upon Hull City Council is the enforcing authority for the purposes of Health and Safety at Work legislation, notification in compliance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations will be deemed to satisfy the above requirement.

The easiest way to report accidents at work is online:

<http://www.hse.gov.uk/riddor/index.htm>

Alternatively, for fatal accidents or accidents resulting in specified injuries to workers only, you can phone 0345 300 9923.

There is no longer a paper form for RIDDOR reporting, however should it be essential for you to submit a report by post, please send it to:

RIDDOR Reports  
Health and Safety Executive  
Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

### First Aid Requirements

A first-aid box shall be provided and its contents properly assessed.

The first-aid box shall be clearly identifiable with a white cross on a green background.

Notices shall be clearly and conspicuously displayed describing the location of the first-aid box.

As a minimum, a person appointed to take charge of first-aid arrangements, such as initial response to the accident, calling the emergency services and recording details of the accident will be necessary.

In premises where there are significant risks, it is likely that trained first aider(s) will be required. A first-aid needs assessment will help to decide what first aid arrangements are appropriate.



## Humberside Fire and Rescue Service

### The Licensing Act 2003

#### Fire Safety GUIDELINES

**These guidelines are issued to assist local licensees to provide suitable and sufficient fire safety measures in licensed premises under the Licensing Act 2003. They DO NOT replace existing legislation relating to Health and Safety**

#### GENERAL

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

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

The plan should clearly state the **Occupancy** and how the figure had been reached. The Licensing Authority will agree the maximum occupancy level/s after consultation with all statutory consultees.

Further information on how to compile a Fire Risk Assessment and calculate an appropriate occupancy figure is available on the Humberside Fire and Rescue Service website.

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

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

1. Provide an acceptable system of:
  - a) Controlling entry.
  - b) Identifying the number of persons present on the premises at any given moment in time.
  - c) Stewarding the premises where the number of people admitted exceeds 50.
2. Produce on demand to any authorised officer of the Authority, the Police and Fire and Rescue Service evidence of the number of persons present on the premises.

## DOORS

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

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

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

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

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

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

## SECURITY DEVICES

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

## CURTAINS ACROSS DOORWAYS

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

## FIRE ALARM

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

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

## NOTICES

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

## EMERGENCY LIGHTING

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

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

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

## FIRE FIGHTING EQUIPMENT

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

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

## CLOSE SEATED AUDIENCE PROVISIONS

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

1. The seating must at all times be so disposed as to provide free and unobstructed access to all exit doors.
2. Width of gangways to be 1050mm minimum.
3. Width of seat ways to be 305mm minimum.

4. Where the permitted number is more than 250 persons, all seats shall be either securely fixed to the floor or battened together in lengths not less than 4 nor more than 12 and additionally all the rows of seats shall be firmly secured together.
5. Any attachment used for securing a seat or rows of seats shall be so arranged so as not to cause a tripping hazard.

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

### HEATING APPLIANCES

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

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

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

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

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

### ACCESS CONDITIONS

Duly authorised Officers of the Authority, Police Officers and Fire Officers shall at all times have free access to the premises for the purpose of ensuring compliance with the conditions of this licence and shall have access to any necessary records.

### EMERGENCY SERVICE ACCESS

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

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

## QUEUES

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

## OVERCROWDING

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

**Further Information on licensing matters or general fire precautions etc. can be obtained from your Local Authority or Fire and Rescue Service by telephoning:**

Kingston upon Hull City Council 01482 300300  
The Humberside Fire and Rescue Service 01482 321952/565333  
Or visiting the Website [www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk)

***This is a brief guide to Fire Safety requirements and safety law. It does not describe the law in detail but rather lists key points for your information.***

## **The Dangers of Illicit Cigarettes and Related Smoking Materials**

Cigarettes left unattended are one of the leading causes of fatal fires in Europe. Evidence shows that the number of fatalities can be reduced by over 40% with the introduction of 'Reduced Ignition Propensity' (RIP) cigarettes. This means cigarettes which self-extinguish when left unattended are thus less likely to cause fire. Conventional cigarettes are designed to continue burning when left unattended. An unfortunate consequence of this is that if they are dropped on mattresses, upholstered furniture, or other combustible material while still burning, they have a high propensity to start fires.

In November 2011, the General Product Safety Directive (GPSD) Committee of the European Commission approved a proposal which required the tobacco industry to use fire-retardant paper in all cigarettes. This effectively means that only cigarettes with lower ignition propensity are allowed to be placed on the market.

This standard has been mandated by the EU and applies to all manufactured cigarettes sold within its borders. The standard is intended to increase the chances of cigarettes self-extinguishing under controlled, legislated laboratory conditions. The change required under the new standards was about reducing ignition propensity, which is the ability of a cigarette left unattended to start a fire. Cigarette paper manufacturers have changed their paper production to insert two rings of thicker paper at two points along the cigarette. If the cigarette is left unattended the burning tobacco will hit one of these rings and should then self-extinguish, because the ring restricts the air / oxygen supply.

A RIP cigarette cuts down the burning time, thus reducing the chance to ignite furniture, bedding or other material. These cigarettes are called REDUCED ignition propensity specifically because they can still cause fires, but the chances are less than if they had remained unmodified. A simple test can be undertaken to identify if manufactured cigarettes have a reduced propensity to ignite, as a result of the insertion of the additional rings of paper: -

- Open up the cigarette and safely dispose of the tobacco
- Using a highlight pen, apply the ink to the inside face of the cigarette paper
- If RIP, the additional paper rings will become clear to view

The careless disposal of cigarettes is a leading cause of fires in the home, and accounts for approximately 10% of all accidental dwelling fires within the Humberside area. According to Government statistics during 2017/18, throughout the UK, there were 3,464 fires caused by smoking materials, not including lighters and matches. This resulted in 52 fatal injuries throughout the UK in the same period.

The importation, production or use of manufactured cigarettes, which are not in compliance with the relative European standard, and therefore do not have a reduced ignition propensity significantly increase the risk of a fire starting, and therefore by its very nature increases the risk of causing significant injury or death as a result of the increase in fire.

Humberside Fire and Rescue Service (HFRS) work alongside numerous agencies and undertake many safety initiatives to support smoking cessation. Whilst RIP cigarettes

have reduced the propensity of a cigarette to cause a fire, HFRS's aim is to reduce the incidence of smoking to improve the lives of the community and significantly reduce the risk and likelihood of a fire starting.

## **Specimen Dispersal Policy**

### **Dispersal Procedure for XXXX**

#### Introduction

The management of XXXX acknowledges that popular venues are potential sources of nuisance, antisocial behaviour and crime which may create concern for the immediate neighbourhood, certain residents and the relevant authorities.

For this reason this **Dispersal Procedure** (around the terminal hour) has been prepared. This is a document which will be constantly reviewed in order to maximise its impact with the appropriate amount of manpower usage

#### Definition

The Dispersal Procedure is not to be confused with The Evacuation Procedure, any design standard, any other operational policies or any agreed/enforced rules or guidelines.

The Dispersal Procedure (around the terminal hour) is dedicated to make the maximum contribution by exercising pro-active measures, towards and at the end of trading, to move customers from the venue and its immediate area in such a way as to cause minimum disturbance or nuisance, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.

The relevance of the time of closure is recognised as meriting this special attention and concern.

The Dispersal Procedure has been formulated in conjunction with local management and licensing officers of the Police.

The Dispersal Procedure is subject to review and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination.

#### Content of Dispersal Procedure Document

##### 1. Relevance of Licensing Conditions:

The conditions of our various licences, around the terminal hour, will be strictly adhered to whilst it will be operated to encourage the dispersal of patrons gradually, both during the last part of trading and following the end of bar service.

Attention will be given to:

- (a) Terminal Hour of Special Hours Certificate
- (b) Terminal Hour of Public Entertainment Licence
- (c) Operational procedures during drinking-up time



During the last hour of trading the service points in each bar will be reduced and certain staff re-allocated to collecting glasses or offering customer service in the cloakroom to assist customer departure.

2. End of Evening Operational Policies:

The volume levels, the type of music played and the usage of lighting levels will be used to encourage the gradual dispersal of patrons during the last part of trading and during the drinking-up period.

From 10 minutes before bar closure time, the music tempo and volume will be reduced. This will continue until 10 minutes after bar closure time. After this, 'walkout' music will be played.

DJ announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours.

Management and stewarding procedures will support these aims

3. Cloakroom:

The cloakroom is situated so as to assist the swift return of coats. Management and operation of the cloakroom plays an important part in the dispersal process. (Staffing and control systems will be increased in the period prior to bar closure.)

4. Notices at Exit:

In line with company policies, highly visible notices are placed in the foyer requesting exiting customers to leave quietly and to respect neighbours and their property.

5. Stewards will:

- (a) Encourage customers to drink-up and progress to the exit within a venue throughout the latter part of drinking-up time;
- (b) Draw the attention of exiting customers to the notices in the foyer and ask them to be considerate;
- (c) Ensure the removal of all bottles and glasses from any customer who attempts to leave the venue carrying one. A bottle skip will be positioned just inside the venue by the door to the foyer to collect bottles; the reception counter will be used for glasses. Both will be regularly cleared.
- (d) Actively encourage customers not to assemble outside the venue;
- (e) Direct customers to the nearest taxi ranks or other transportation away from the area, and
- (f) Wear high visibility jackets at this time.

6. Measures to Promote Customer Dispersal and Safety:

These measures will be taken in association with the local authority and other bodies.

- Takeaway Food — Vans:

Luminar will write to the Local Authority and ask that the food van be positioned much further away from the venue as this encourages patrons (and other persons) to congregate and remain in the area causing the potential for disturbance. They also impede the vision of the venue door by the town centre CCTV system.

7. Marshals:

A Marshal is a patrolling security officer wearing high visibility clothing, who works close to the venue in a designated area and is in direct communication with the venue management. Their aim is to create a highly visible presence and to communicate, rather than deal with potential problems. Often their role is just to encourage our customers to disperse quickly and quietly but they have the added bonus of deterring persons who have not utilised our venue visiting the area.

A marshal will wait in the area of XXXX from XXX to the road defined by XXXX and XXXX

8. Rubbish Patrol:

A Rubbish Patrol' will be introduced following closure. These persons will pick up bottles and food wrappings in the area of XXXX defined in the marshal's beat. (Certain of the rubbish is likely to be from sources other than our venue — but will be collected and disposed of) On rare occasions this patrol may be faced with the result of antisocial behaviour such as vomiting. This will be cleared.

## **Best Practice relating to the Prevention of Crime and Disorder**

*It should be noted in particular that it is unlawful under the 2003 Act:*

- *to sell or supply alcohol to a person who is drunk*
- *to knowingly allow disorderly conduct on licensed premises*
- *for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported.*
- *to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.*

### **General**

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

The individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Local knowledge of the premises could also have a bearing on any measures being considered.

Under no circumstances should the following measures be regarded as standard conditions. They are examples designed to provide a range of measures drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. Where they are incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

### **Staff Training**

A properly constituted and documented Staff Training Package should be considered with particular reference to the sale of age-restricted products.

### Door supervisors

Measures relating to the provision of door supervisors and security teams may be valuable in:

1. preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
2. keeping out excluded individuals (subject to court bans or imposed by the licence holder);
3. searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
4. maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors, conducting security activities, are to be included as a condition of a licence, they would have to be registered with the Security Industry Authority. Such conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety (see Appendix 'J').

### Bottle bans

Bottles may be used as weapons inflicting more serious harm during incidents of Disorder, therefore measures that preclude their use for consumption should be considered. Where ever possible operators should dispense bottled drinks into polycarbonate containers. Consideration should be given to only selling drinks for consumption from the container in plastic bottles. However, responsible authorities and licensing authorities note that many people consider that drinking from bottles is safer. It is easier for them to prevent the spiking of drinks with drugs as the bottle openings can be readily covered. Where this is the consideration the operator should source a supply of bottle stoppers in order to reduce this risk

### Polycarbonate containers and toughened glass

Glasses containing drinks have been used as weapons during incidents of disorder and in normal form can cause very serious injuries. The adoption and use, at all times, of polycarbonate or toughened glass containers which inflict less severe injuries should be considered (ref. 6.10 Bottles and Glasses from Premises) Location and style of the venue and the activities carried on there would be particularly important in assessing whether or not such steps are necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches.

In particular, the use of polycarbonate containers or toughened glass containers during the televising of live sporting events, such as international football matches should be encouraged.

It should be noted that the use of polycarbonate or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

## CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime outside licensed premises. Any perceived measures should not just take into account a requirement to have CCTV on the premises, but also the need for such a system to conform to the Humberside Police Code of Practice.

The police should provide individuals conducting risk assessments, when preparing operating schedules, with advice on the use of CCTV to prevent crime.

## Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. However, consideration should be given to measures preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

## Restrictions on Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such restrictions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

## Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to measures which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a measure is considered necessary, consideration should also be given to whether or not door supervisors would be needed to ensure that the numbers are appropriately controlled.

## Crime prevention notices

It may be prudent at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. For example, the displaying of notices on certain premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly notices may be displayed which

advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to providing a notice to display the name of a contact for customers should they wish to report concerns.

## Drinks promotions

Standardised conditions cannot be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. However measures, tailored to the individual circumstances of particular premises, which address **irresponsible** drinks promotions should be considered. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of expert legal advice where appropriate.

## Drink Spiking and Injection Incidents

### Prevention

It may be appropriate to clearly display signs around the premises asking patrons not to leave drinks unattended and to keep an eye on them at all times and also not to accept drinks that they haven't seen being poured or opened themselves.

Spiking can also be mitigated against with the use of 'Spikeys' or 'Alcotops', brightly coloured plastic stoppers and lids that prevent substances being put into bottles and glasses.

### Signs and Symptoms

Mixing alcohol and drugs can be very dangerous and can cause serious medical problems, ranging from nausea to coma. The effects of drink spiking vary depending on what the victim has been spiked with, how much alcohol they have consumed, their size and weight and other factors.

Symptoms of spiking could include lowered inhibitions, loss of balance, feeling sleepy, visual problem, confusion, nausea, vomiting and unconsciousness.

### Vulnerable Individuals

A vulnerable person is classed as an individual at risk of harm. Their age, being isolated from their friends, the influence of Drugs and Alcohol, their state of mind, or the presence of an offender can make the person vulnerable.

In order to recognise the individual's vulnerability, is the person unsteady on their feet, incoherent, irrational, has glazed eyes, a dishevelled appearance, is lost, alone, is being plied with alcohol/drugs, is drowsy, upset, being controlled by somebody, has an injury or suspiciously quiet, excitable, and/or missing clothing?

## **Intervention**

It may be appropriate to introduce measures such as conducting simple but regular welfare checks on patrons within the premises and/or in the street. Small measures like asking if someone is ok, or checking if someone can get home safely make a big difference.

## **Incident Management**

Where a member of staff or patron has identified an individual with signs or symptoms:

- Inform the premises manager and the Head Door supervisor, if applicable.
- Take the victim to a safe room, or quiet area if possible.
- Stay with the victim and keep talking to them.
- Call an ambulance if their condition deteriorates.
- Contact the Police.
- If they still have their drink, ask to secure it for evidence.
- Don't let them go home on their own. Call a family member or friend.
- Don't let them leave with someone they don't know or trust.
- Don't let them drink more alcohol – this could lead to more serious problems.
- Log the incident with as much detail as possible.
- If there is a suspect on site: Detain them.
- Collect CCTV & Worn Body Camera evidence if available.

## **Post Incident Management**

After an incident, it is vitally important to preserve the scene, seal & physically secure any evidence being careful not to touch or move anything and secure all CCTV & body worn camera footage.

An incident log sheet should be used to accurately record all information relevant to the incident, such as correct time, day & date, exact location of incident within the premises, details of all staff present, details of the subject(s) and witnesses and of exactly what happened, if any force was used, any injuries before or after staff contact, whether first aid has been administered, and the outcome.

## **Wellness and Vulnerability (WAVE) Training**

The safety initiative 'Ask for Angela' has been rolled out to bars, clubs, and other licensed businesses across the UK. People who feel unsafe, vulnerable, or threatened can discreetly seek help by approaching venue staff and asking them for 'Angela'.

This code-phrase will indicate to staff that they require help with their situation and a trained member of staff can then look to support and assist them. This might be through reuniting them with a friend, seeing them to a taxi, or by calling venue security and/or the police.

Venues that support 'Ask for Angela' will have been given appropriate WAVE training. The training gives staff the ability to help customers who may be in a situation that makes them vulnerable or unsafe.

The key aims of WAVE are to prevent and reduce violent crime; prevent and reduce sexual assault; reduce preventable injury; reduce opportunities for criminal activity; and to promote partnerships & engagement with the community.

### **Welfare Checklist for Operators**

- Consider use of Ask for Angela and implementation of this within your premises.
- Ensure all staff (including door staff) are trained in Welfare and Vulnerability Engagement Training – This will empower staff to identify and manage vulnerable persons, safeguarding them.
- Consider training bar staff that when concerns are raised by customers around welfare/wellbeing that door staff/management are contacted immediately to respond to and manage these issues swiftly.
- Consider having trained welfare staff at premises whose sole responsibility is to seek out vulnerable persons and liaise with staff members to safeguard them.
- Consider re-visiting any existing ejection policies and duty of care policies to ensure that persons are not left alone to become victims of crime and action can be taken to ensure they leave safely
- Consider the use of incident mapping within your premises to highlight where issues are manifesting – This will allow you to identify where risk manifests within your premises and respond to it
- Ensuring that where door staff are used, they are visible and approachable and know what to do in relation to any reports made to them – Consideration always should be to safeguard the victim/identify the offender and detain them/contact the Police, particularly where a person identifies themselves as a victim of a sexual assault.
- Consider adapting your search policies to ensure that door staff are searching for customers, considering the use of metal detecting wands and also considering the use of detecting arches in line with licensing conditions and Risk Assessment.
- Consider adapting your search policies to pay particular attention to liquids being bought into the premises and small sharp objects such as needles/pins/tacks or other similar objects which may be missed but will undoubtedly lead to persons becoming vulnerable.
- Consider having a policy and training to be delivered on special medical conditions (for example when finding epi pens and diabetic medication during a search)
- Use of drugs dogs to support any searching regime to identify illicit substances and deter any offenders
- Consider a policy of disposing of any drinks left unattended (However, this may need to be advertised extensively throughout your premises to prevent it becoming a flash point)
- Consider additional toilet checks.
- Consider an increased floor presence



## **Best Practice relating to Public Safety (including Fire Safety)**

*It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.*

### **General**

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Appendix 'J'. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Local knowledge of the premises could also have a bearing on any measures being considered.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

### **Disabled people**

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to measures which ensure that:

1. When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
2. Disabled people on the premises are made aware of those arrangements.

### **Escape routes**

It may be necessary to consider measures relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to measures which ensure that:

1. All exits doors are easily opened without the use of a key, card, code or similar means;
2. Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
3. Any security fastenings are removed prior to the premises being opened to the public;
4. All fire doors are maintained effectively self-closing and shall not be held open;
5. Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut, and
6. The edges of the treads of steps and stairways are maintained so as to be conspicuous.

### Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

1. Safety checks are carried out before the admission of the public, and
2. Details of such checks are kept in a Log-book.

### Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

1. Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
2. Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;

3. Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment, and
4. Temporary decorations are not used without the consent of the Licensing Authority.

### Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

1. Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded, and
2. The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

### Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

- Notices, detailing the actions to be taken in the event of fire or other emergencies including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

### Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

- The fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

### Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

### Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

### First-aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that

1. Adequate and appropriate supply of first-aid equipment and materials is available on the premises.
2. If necessary, at least one suitably trained first-aider shall be on duty when the public are present and, if more than one suitably trained first-aider, that their respective duties are clearly defined.

### Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

1. In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
2. Fire safety signs are adequately illuminated.
3. Emergency lighting is not to be altered without the consent of the Licensing Authority.
4. Emergency lighting batteries are fully charged before the admission of the public, members or guests.
5. In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

## Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

1. Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work.
2. Temporary electrical wiring and distribution systems shall comply with all current recommendations
3. Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

## Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

1. The premises are effectively ventilated.
2. Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
3. Ventilation ducting is kept clean.
4. Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

## Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to measures which ensure that:

1. If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
2. Where a ring is involved, it is constructed and supported to the satisfaction of the Licensing Authority and any material used to form the skirt around the ring is flame-retardant.
3. At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres (2.73 yds) of the ring.

4. At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Health and Safety in Swimming Pools issued jointly by the Health and Safety Executive)

## **Best Practice relating to Theatres and Cinemas** **(Promotion of Public Safety)**

In addition to the points made in Appendix 'I', there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The points which follow are for consideration and do not represent a mandatory list.

### **Premises used for Closely Seated Audiences**

#### **Attendants**

1. The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
1 - 100	One
101 - 250	Two
251 - 500	Three
501 - 750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

2. Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
3. Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
4. The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
5. No article shall be attached to the back of any seat which would reduce the clear width of seat-ways or cause a tripping hazard or obstruction.
6. A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

### Standing and Sitting in Gangways etc.

1. Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
2. Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
3. In no circumstances shall anyone be permitted to:
  - a) sit in any gangway;
  - b) stand or sit in front of any exit, or
  - c) stand or sit on any staircase including any landings.

### Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in polycarbonate or paper containers.

### Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

### Special Effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers
- Explosives and highly flammable substances

In certain circumstances it may be necessary to require that certain special effects are only used with the prior consent of the Licensing Authority.

### Scenery

Any scenery should be maintained flame-retardant.



## Safety curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

## Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

## Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

### Premises used for Film Exhibitions

#### Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>
1 - 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

#### Attendants – premises with a staff alerting system

- Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

<b>Number of members of the audience present on the</b>	<b>Minimum number of attendants required to be on duty</b>	<b>Minimum number of staff on the premises who are available to assist in the</b>

<b>premises</b>		<b>event of an emergency</b>
1 – 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

2. Staff shall not be considered as being available to assist in the event of an emergency if they are:
  - (a) the holder of the premises licence or the manager on duty at the premises, or
  - (b) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation, or
  - (c) a member of staff whose usual location when on duty is more than 60 metres (65.6 yds) from the location to which he is required to go on being alerted to an emergency situation.
2. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
3. The staff alerting system shall be maintained in working order.

### Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the appropriate standards specified in any current regulations.

### Flammable films

No flammable films should be allowed on the premises without the consent of the Licensing Authority.

## **Best Practice relating to the Prevention of Public Nuisance**

*It should be noted that various statutory provisions provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises and under the provision of the Anti Social Behaviour Act 2003 an authorised Environmental Health Officer is empowered to Close licensed premises, or premises carrying on a permitted temporary activity, that are causing a noise related nuisance. These matters should be considered before deciding whether or not measures are necessary for the prevention of public nuisance.*

### **General**

Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the public. Public nuisance in the 2003 Act retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

The degree to which activities are likely to cause public nuisance will depend on a number of factors including:

1. The time of day/night when they take place.
2. How frequently activities take place.
3. How near other people and premises are that may be affected.
4. The design, structure and layout of the premises.
5. How well the activities are managed.

The public nuisances that are recognised as being of main concern are noise nuisance, noxious smells, littering and light pollution.

The Best Practice for noise control has been taken from “Good Practice Guide on the Control of Noise from Pubs and Clubs” published by the Institute of Acoustics. The applicant is strongly recommended to consult the entire document for help on noise control from licensed premises. The applicant should also consult the British Beer & Pub Association Guide: “Effective Management of Noise from Licensed Premises”

### **Noise from Music, Singing and Speech Originating from Inside Buildings (Entertainment Noise)**

At the design stage for new premises, when applying for a premises license or variation of an existing license, when planning the refurbishment of existing premises, or when

noise disturbance is occurring from existing premises, the following measures should be considered:

1. the determination of an appropriate level of sound insulation based on realistic source and reception levels;
2. the construction of cavity masonry walls, or the addition of sound insulating, independent wall linings to enhance the containment and attenuation of sound;
3. the provision of lobbies with automatic door-closers for building entrances and exits. Where possible, the distance between the inner and outer doors should be sufficient to ensure that one door set is normally closed as people pass through the lobby. It will also be necessary to ensure that wheelchair access is not hindered;
4. the provision of well sealed acoustic doors on emergency exits;
5. the provision of sound insulated windows;
6. the provision of mechanical ventilation or air conditioning systems that will enable windows and doors to be kept closed, hence reducing noise breakout. However, such plant can also create noise or allow internal noise to breakout through ducting or apertures in the structure, and will often need acoustic treatment;
7. the installation of visual or audible alarms to alert staff that doors or windows that should be kept closed, are open. Alternatively, a manual checking system may be adopted;
8. the control of music noise at source, either by reducing the overall sound level of the music, or by reducing the sound level at individual frequencies which are causing, or have the potential to cause, disturbance;
9. the playing of more calming types of music towards the end of an event (this may also help reduce the potential for rowdy behaviour);
10. the use of an approval system for DJs and other performers;
11. the installation of sound level regulatory devices (noise limiters), connected to all permanent music and public address equipment and all available mains power sockets within the area around a stage, within a performance area, or near to a control desk. However, in very noise-sensitive situations it may be found that such devices have to be set so low that music events are not viable; and
12. alterations to the number, location and mounting of loudspeakers so that internal music levels can be kept as low as possible and the transmission of structure-borne noise is minimised.

### Noise from Music, Singing and Speech Originating from Outside Buildings (Entertainment Noise)

In addition to the advice given above, the following noise control measures should be considered for those limited licensed premises where outdoor regulated entertainment is carried out:

1. directing loudspeakers away from the most noise-sensitive buildings;
2. locating stages as far away as possible from, and facing away from, noise-sensitive properties, and
3. using screening provided by existing non-sensitive buildings, barriers and topographical features and the erection of purpose built screening.

When planning an outdoor event, it should be remembered that wind speed and direction significantly affect the propagation of sound over distance.

### Use of Gardens and Play Areas

Careful consideration should always be given to the siting of gardens and play areas, intended for the use of patrons, in order to minimise the risk of disturbance to neighbours. The use of gardens and external play areas from which noise disturbance has arisen, or may arise should not commence before the start of normal trading hours and should normally cease at dusk or at 21.00 hours, whichever is the earlier.

Consequently, where there are nearby noise-sensitive premises, the use of lighting in garden and external play areas late into the evening can be undesirable, unless required for health and safety or security reasons. The provision of such lighting may encourage patrons to congregate in these areas and cause noise disturbance at this more sensitive time.

### Rowdy Behaviour

This problem normally arises at the end of an event, as closing time approaches and just afterwards. Posting notices close to the exit doors and in car parks, requesting patrons to leave and disperse quietly, may improve the situation. Relaying a similar message through a PA system, where this is practicable, will reinforce such requests. Potential problems from rowdy behaviour should be taken into account when considering the acceptability of proposed locations and the design of new premises. The applicant should adopt and implement a **Dispersal Policy**. Details of such a policy are given elsewhere in Kingston upon Hull City Council's Licensing Policy.

In situations where noise-sensitive premises overlook the main entrance/exit, the use of alternative entrance/exit routes, possibly onto a rear or side street, or a car park, may also help to minimise disturbance. Door staff can also assist in minimising disturbance by actively managing entrances and exits.

### Use of Car Parks and Access Roads

At the planning stage, access roads and car parks should be kept as far away as possible from noise-sensitive premises. If natural screening exists, its potential for minimising noise disturbance should be maximised. In addition, the screening provided by nearby existing and proposed non noise-sensitive buildings, should also be considered. In some instances, it may also be appropriate to consider the provision of purpose built screening.

Noise from car parks and access roads normally only becomes an issue when patrons are leaving a venue during the later part of the evening or at night. The provision of closed circuit television (CCTV) systems in these areas can provide an effective and safe method of monitoring activities during these periods, and thus allow rapid control or prevention of incidents that may cause noise disturbance. If problems arise, the possibility of closing some car parking areas in the evening and at night should be considered, along with measures such as the provision of additional purpose built screening and the use of traffic calming techniques. It should be noted that speed humps can increase noise and ground-borne vibration levels, particularly from large commercial vehicles.

A specific taxi operator could be nominated for staff use. The company's telephone number could also be advertised to customers at the venue. Steps should be taken to ensure that any such operator, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff should be required to leave as quietly as possible, particularly at night and early in the morning.

### Delivery/Collection/Storage Activities

Steps should be taken at the planning stage to minimise the potential for noise disturbance from deliveries and collections. Particular attention should be paid to the siting of loading, unloading and/or storage areas and the need to minimise vehicle manoeuvring, especially reversing.

If there are frequent commercial deliveries, and/or collections that are resulting in noise disturbance, the management of premises should discuss the following issues with their suppliers and implement those that are necessary and appropriate:

1. restricting such activities, for example, to the normal working day;
2. attempting to limit the number and/or frequency of deliveries and collections;
3. using alternative loading and unloading areas;
4. using alternative delivery/collection vehicles, and
5. using alternative methods of delivery/collection/loading/unloading.

Where premises are close to noise-sensitive properties, the handling of beer kegs, bottles and other similar items should be avoided in the late evening, at night and during the early morning, particularly outside buildings. Similar steps may also be necessary to restrict the use of bottle banks at these times.

### Noise from Plant and Machinery

Where possible, plant and machinery should be positioned in nearby noise-sensitive properties. Alternatively, or additionally, control measures such as acoustic enclosures, acoustic louvres, silencers, or additional acoustic screening may be necessary.

Where plant and machinery are in, or on, premises that are structurally attached to noise-sensitive property, e.g. a flat above a pub or club, this equipment may need to be installed on anti-vibration mounts to minimise the transmission of structure-borne noise.

Regular maintenance should be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

### Noise from Skittle Alleys

Where possible, skittle alleys should be sited away from nearby noise sensitive premises to minimise the risk of noise disturbance.

Where a skittle alley is structurally attached to noise-sensitive premises, additional noise control measures are likely to be necessary. These may include the mounting on isolating material of the alley surface, alley gutters, side walls/back walls/floor of the pit area and the return ball chute. Alternatively, it may be practical to line the side, back walls and floor of the pit with resilient material to reduce impact noise. A common practice is to line the side and back wall of the pit with flattened tyre treads and the floor of the pit with rubber matting. As well as helping to control impact noise, this can also reduce wear and tear on the balls and pins. The use of rubber balls instead of the traditional cherry wood balls is also an option to consider.

Some of the points bulleted above, that can reduce the breakout of sound from source premises, or increase the attenuation provided by source premises, may also be applicable to control noise arising from the use of skittle alleys.

### Noise from Smoking Areas

As the Smoke-free Regulations came in to force under the Health Act 2006, licensed premises may wish to provide an area to allow their patron to smoke in. the applicant must ensure that the proposed area conforms to the requirements of The Smoke-free (Premises and Enforcement) Regulations 2006. The following points should be considered:

1. Loudspeakers should not be used in the outdoor area;
2. Alcoholic drinks should not be consumed in the outdoor area after a curfew time;
3. Outdoor furniture should not be of the aluminium tube variety (as these cause loud noise when scraped along a hard surface), and
4. Any metal outdoor furniture should either have rubber feet and shall be replaced when they are worn or be permanently fixed to the floor.
5. Notices should be displayed reminding customers to have regard for residents of nearby premises in order to minimise noise disturbance.

Applicants are strongly advised to risk assess their premises with regard to noise nuisance and to compile a noise management scheme. Help with such a scheme is available from the Environmental Protection Section of Kingston upon Hull City Council.

### Preventing Noxious Smells

Operating a late night refreshment house and providing food alongside the supply of alcohol is likely to involve cooking foods such as chips, burgers and other fried or spicy foods that produce strong odours. Odours may also arise from waste and bottle storage areas and drainage systems. The release of these odours in the surrounding area may cause a public nuisance. Odour emissions from kitchens arise from odorous chemicals that are either too small to be trapped by coarse filtration or are present in the gas phase. The degree and type of odour control required is dictated by:

1. size of the cooking facility;
2. type of food prepared, and
3. location of the premises.

The greater the potential risk of causing harm to the amenity or causing a nuisance the more effective the odour abatement must be. In certain circumstances where local planning requirements restrict the use of tall stacks more emphasis must be placed on odour abatement.

### Minimum Requirements For Odour Control at Licensed premises

For new premises or premises covered by planning or license conditions restricting the impact of odour the system shall be designed to prevent public nuisance. To achieve this objective the odour control system should include an adequate level of:

1. odour control, and
2. stack dispersion.

The overall performance of the odour abatement system will represent a balance of 1 and 2.

Any discharge stack should:

1. Discharge the extracted air not less than 1 m (1.9 yds) above the roof ridge of any building within 20 m (21.9 yds) of the building housing the commercial kitchen.
2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1 m (1.9 yds) above the roof eaves or dormer window of the building housing the commercial kitchen. Additional odour control measures may be required.
3. If 1 or 2 cannot be complied with for planning reasons, then an exceptionally high level of odour control will be required.

### Odour arrestment plant performance

Determination of the correct plant performance level should be made by consulting Annex C of the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.



1. Low to medium level control may include:
  - (a) Fine filtration or ESP following by carbon filtration (carbon filters rated with a 0.1 second residence time).
  - (b) Fine filtration followed by counteractant/neutralising system to achieve the same level of control as 1.
  
2. High level odour control may include:
  - (a) Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time).
  - (b) Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.
  
3. Very high level odour control may include:
  - (a) Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.4 –0.8 second residence time).
  - (b) Fine filtration or ESP followed by carbon filtration and by a counteracting/neutralising system to achieve the same level of control as 1.
  - (c) Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.
  - (d) Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1.

Maintenance must be carried out to ensure these performance levels are always achieved. The duct work may harbour odour causing accumulations and should be cleaned on a regular basis. The cleaning period for extract ductwork should be:

Heavy Use	12-16 Hours Per Day	3 Monthly
Moderate Use	6-12 Hours Per Day	6 Monthly
Light Use	2-6 Hours Per Day	Annually

Similarly, filters may harbour odour causing accumulations. The replacement periods for systems employing fine filtration and carbon filtration should be:

1. Change fine filters = every two weeks.
2. Change carbon filters = every 4 to 6 months.
3. System employing ESP and other in line abatement = Clean every 2-6 months

### Controlling odour from waste and bottle storage

1. Sealed waste bins big enough to hold all waste which can be thoroughly cleaned should be used and should be cleaned at least once per week.
2. Waste should be collected on a regular basis by a reputable/licensed waste carrier.
3. Waste storage areas should be properly cleaned and have adequate drainage.
4. A regular cleaning programme for all storage areas and waste bins should be devised and implemented.

### Controlling odour from drainage systems

1. Food waste should not be put into the drainage system.
2. A grease-trap should be provided to the drainage outlet from kitchens.
3. Grease-traps and drainage systems should be cleaned at least every month.
4. The head of the drainage system should be vented at a high level using a vent stack

Applicants are strongly advised to incorporate odour control methods into a written cleaning schedule with records kept of all cleaning activities. The record should be kept for 1 year and be available for inspection by an authorised officer.

### Controlling litter from smoking areas

It is likely that cigarette ends from smokers will either be dropped on to the public highway, which is a crime in itself if it left there, or will migrate to public areas from within smoking areas of the licensed premises. Therefore applicants should consider the following points to prevent litter:

1. A sufficient number of bins and ashtrays at prominent locations should be provided for smoking materials to be placed in.
2. At least 2 legible signs in prominent locations requiring customers not to litter, advising customers that littering is an offence and to place smoking materials in the bins should be provided.
3. A member of staff should clean the area of dropped smoking material and empty ashtrays at least every half hour both within the curtilage and in the vicinity of the licensed premises.

### Controlling litter from late night refreshment houses and other food outlets at licensed premises.

Anti-litter messages shall be placed inside stores and on exits and on bins where appropriate to encourage customers to dispose of litter responsibly.

### Packaging

1. The amount of packaging should be reduced and bottles cans and other waste should be recycled.
2. Customers should be asked if they actually want a bag or other packaging.
3. Printed packaging shall display the (minimum size) Tidyman symbol

### Litter

1. The applicant should complete a litter management checklist either annually, monthly, weekly, or daily, depending on the premises type.
2. The applicant should arrange to clear all litter daily or hourly from the premises frontage to the edge of the pavement.
3. The licensee should carry out and record an appropriate number of daily litter picks for all litter on the frontage of the premises to the end of the pavement or for 2 metres (2.19 yds) in a pedestrianised area.
4. The applicant should provide X litter bin(s) for outside the premises. These may be either temporary or permanent. The applicant may need to consult with the local authority to install permanent bins.
5. The applicant should reduce the use of promotional leaflets and publicity material. Only hand flyers directly to the public and do not put flyers on vehicle windscreens.
6. Ensure a litter bin is near to the distribution point and clear discarded flyers afterwards.
7. Provide clean and accessible toilet facilities for customers to use so that customers are less likely to urinate or defecate in the street.

Further information can be found in the DEFRA publication Reducing litter caused by 'food on the go' – A Voluntary Code of Practice for local partnerships.

Applicants are strongly advised to risk assess their premises with regard to litter control and to compile a litter management scheme. Help with such a scheme is available from the Environmental Regulation Section of Kingston upon Hull City Council.

### Preventing light nuisance

Outdoor artificial lighting is used for a number of reasons, including for work, recreation, security, safety, advertising, display and to create a pleasant atmosphere where people gather socially. As many of the premises operating under the Licensing Act will use outdoor lighting late at night, it is important to ensure that it does not become a nuisance to others. Light 'spilling' onto other property can cause annoyance, distraction and discomfort and may cause driving problems by glaring into drivers' eyes or competing with signs and other traffic signals.

The design of larger outdoor lighting installations will need advice from a specialist Lighting Engineer, but the applicant can control even the smallest outdoor installation by:

1. Not "over-lighting" an area – use lighting with an appropriate output for the required purpose. Take particular care when selecting tungsten or halogen lighting.
2. Siting the lighting carefully and aiming the beam away from sensitive premises and transport systems. Take advantage of natural screening and barriers.
3. Using high mounting positions and directing light downwards, rather than mounting it low and using horizontal light beams.

4. Using properly designed screens, baffles, hoods and louvres on lights to control the direction of the light beam.
5. Turning off lighting when no longer required and using timed automatic cut-off switches, but bearing in mind possible safety issues this may create.
6. Ensuring lights activated by sensors are properly set and used appropriately – i.e. the light is not repeatedly switching on and off, as this itself may cause annoyance.

Lighting from the premises should have:

1. A sky glow Upward Light Ratio of no more than 5%;
2. A light trespass into the windows of nearby residential or sensitive properties of no more than 10Ev(Lux);
3. A source intensity of no more than 10 kCd, and
4. A building illuminance of no more than 10 Cd/m<sup>2</sup>.

Guidance on these criteria can be found in the Institution Of Lighting Engineers publication GUIDANCE NOTES FOR THE REDUCTION OF OBTRUSIVE LIGHT

**Email** [ile@ile.org.uk](mailto:ile@ile.org.uk) **Website** [www.ile.org.uk](http://www.ile.org.uk)

Applicants are strongly advised to risk assess their premises with regard to light pollution and to compile a light management scheme. Help with such a scheme is available from the Environmental Protection Section of Kingston upon Hull City Council.

### Assessment of the outdoor areas and the highway used by customers of licensed premises.

Before an assessment of any potential obstruction can be made, it is important to note the following

What is highway?

What is carriageway?

What is footway?

What traffic restrictions are there?

What access is there for emergency vehicles?

Is there a Designated Public Places Order (DPPO) in place?

Determining the proportions of each part of the highway can help in establishing whether an obstruction is being caused or is likely to be caused by customers of licensed premises using the highway. Each case should be judged on its own merits. Whether an obstruction or encroachment amounts to a nuisance is a question of fact and degree.

It will depend on all the circumstances, including the length of time the obstruction continues, the place where it occurs, the purpose for which it is done, and of course whether it does, in fact, cause an actual obstruction - as opposed to a potential obstruction.

### **Application for a premises license**

It is **not** a legal requirement to mark the area of a highway for use by customers on the plan that accompanies an application. This is because consumption of alcohol is not a licensable activity. However, it would be best practice for the area of the highway proposed for use by customers to be indicated on the plan accompanying the application, especially when the premises does not have a dedicated smoking area or outdoor area within the curtilage of the premises. This is because the use of the highway by customers may impact on the licensing objectives. Steps to promote the licensing objectives should be detailed in the operating schedule. See below for further guidance.

The highway should not be used for customers of licensed premises where the intended area is near to bus stops, taxi ranks, car parking areas, pedestrian crossings or cash machines. The area should be positioned so that it does not detrimentally affect the use of the highway. It must not create a potential hazard to pedestrians or discourage pedestrians from using the footway. In addition, it must not impede egress from fire escapes from its own or adjacent premises.

A minimum clear footway width of 2.0m must be maintained. It is reasonable to say that an outdoor area is only suitable where the footway has a minimum width of 3.0m. The position of barriers and access points should maintain clear access to the premises, particularly for wheelchair users.

### **Representations by Responsible authorities on application for a premises license**

Responsible Authorities may make representations if they think that there is insufficient information to be able to determine whether or not the applicant has addressed the impact the use of any part of the highway, by their customers, has on the licensing objectives.

If the applicant cannot demonstrate that the area of the highway can meet the above criteria it may be reasonable to require that the sale of alcohol for consumption off the premises is removed from the premises license.

If the applicant can demonstrate that an area of the highway can meet the above criteria, but cannot show in his operating schedule how the licensing objectives will be promoted, then a responsible authority may consider making representations.

The applicant may therefore consider one or more of the following steps, provided by the Environmental Regulation Department, needs to be included in their operating schedule as appropriate steps to promote the licensing objectives in respect of the use of the outside areas.

1. The outdoor area will leave a clear unobstructed pedestrian route of at least 2.0m minimum width
2. The outdoor area for use by customers will be bounded by a barrier.
  - a. The barrier will **not** consist of posts and rope or chain.
  - b. The barrier will not be anchored by loose weights

- c. The barrier will be between 0.8m and 1.0m high and include provision of a 'tapping rail' along the bottom edge.
  - d. The bottom edge of the tapping rail will be at ground level and be between 150mm to 200mm high.
  - e. The barrier and posts will be in a non-reflective material.
  - f. The barriers will be stored within the premises and off the public highway when not in use.
  - g. A dedicated space to store the barriers and furniture will be provided within the premises.
3. At least 4 waste bins will be provided for the use of customers to put cigarette ends in within the outdoor area.
4. The enclosed area will be kept free of litter at all times
5. The area of highway up to 3m around the licensed premises will be cleared of litter at the end of the terminal hour or before 09:00 in the case of a 24 hour license.
6. Loudspeakers will not be
  - a. used in the outdoor area
  - b. attached to the façade of the licensed premises
  - c. positioned in any opening of the building to emit sound into the highway.
7. No glassware will be
  - a. brought in to the outdoor area from the licensed premises. Any drinks brought in to the outdoor area from the licensed premises will be contained in polycarbonate drinking vessels or PET bottles.
  - b. allowed to be brought into the outdoor area from outside the outdoor area.
8. Any glassware found in the outdoor area will be removed immediately.
9. The outdoor area will be supervised at all times it is in use.

## **Best practice relating to the Protection of Children from Harm**

### ➤ **Understanding licensing objective - protecting children from harm**

- What is safeguarding?
  - Safeguarding children is everyone's business
  - What is the HSCP?
  - Definition of child
  - Under age sales of Alcohol
  - If you are : A retailer or provide services to the public
  - Hull CCTV and Radio systems
  - If you are : Concerned about under age sales?
  - Drinks promotions
  - Staffing Drugs
  - Smoking
  - Supervision of children
  - Outside areas/play areas
  - Staffing
  - Independent Safeguarding Authority reporting
  - Door supervisors
  - Regulated entertainment (adult entertainment)
  - Special effects
  - Venue/ premise location
  - Children and Noise - Advice to Premises License Holders
  - Children's Entertainment
  - Child employment
  - Safeguarding children who are taking part in performances/events
  - Children living at licensed premises
- **Licence application Process – Protecting children from harm**
- **Child protection policy**

### **Understanding licensing objective - protecting children from harm**

One of the key objectives of The Licensing Act 2003 is 'The Protection of Children from Harm'. In Hull, The Licensing Authority considers the 'Responsible Authority' with regard to **Protection of Children from Harm** to be the Hull Safeguarding Children Partnership (HSCP).

In this capacity HSCP are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children. We are committed to working in partnership with other local authority partners, organisations and businesses.

This guidance has been produced for individuals and companies that are making an application for any form of license. Nothing in this guidance will:

- (c) Undermine the rights of any person to apply under the Licensing Act 2003 for a variety of permissions and have the application considered on its individual merits, and/or
- (d) Override the right of any person to make representation on any application, or seek a review of a licence or certificate where they are permitted to do so under the Licensing Act 2003.

In addition to the legal responsibilities for child protection placed on premises licence holder/club certificate holder/designated premises supervisor/event manager at licensed premises or events, the Hull Safeguarding Children Partnership expects that there is a social responsibility for all members of staff and the public accessing the premises to be aware of child protection issues and to take action if they consider any child or young person to be at risk of harm.

### **What is safeguarding?**

Children of all ages need to be kept safe from harm, safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Where there is a risk to children, measures should be taken to ensure their safety and well being

### **Safeguarding children is everyone's business**

Everyone who comes into contact with children and families in their everyday work has a duty to safeguard children. Good practice already exists within the leisure and entertainment industry and some licensees are playing their part by recognising and fulfilling social responsibilities.

### **What is the HSCP?**

Safeguarding and promoting the welfare of children requires effective co-ordination in every local area. The Children Act 2004 requires each local authority to establish a Local Safeguarding Children Partnership (LSCB)

The LSCB is the key statutory mechanism for agreeing how relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do. (Working Together 2010)

For more information about Hull Safeguarding Children Partnership see [www.hullsafeguardingchildren.org](http://www.hullsafeguardingchildren.org)

### **Definition of child**

The Hull Safeguarding Children Partnership recognises the distinction made under the Licensing Act 2003 between children and young people, however it should be noted that as far as the protection of children is concerned this applies to all young people up until their 18th Birthday.



It is important to include any staff or performers under the age of 18 in the safeguarding measures used.

The risk to children will vary from premises to premises depending on the type of licensing activity and the age of the children. The following guidance will describe some of the issues which a licensed premise might wish to consider:

### **Under age sales of Alcohol**

Young teenagers may attempt to buy and consume alcohol and then become vulnerable because their judgement is impaired. This could put them in danger from getting involved in fights, from drink driving or from sexual harm.

Provisions should be in place to see that alcohol is not served to, or purchased on behalf of, under-age young people. Some of the ways that this can be ensured include:

- A recognised age verification scheme such as a PASS approved identity card. See the link <http://www.pass-scheme.org.uk/>
- All staff responsible for selling age restricted goods should be trained to operate this scheme and staff training records should be maintained and audited.
- Display signage to notify the public that the premises operates a Proof of Age scheme
- Use CCTV or other methods to monitor the outside the premises, to ensure that children are not purchasing by proxy
- Keep a refusals book

If you are:

**A retailer or provide services to the public** you have a legal responsibility not to sell certain goods to those under the specified age. You can find out about age related legal requirements specific to your business and other trading standards issues on the Business Companion website.

If you are unsure how to comply with age related sales law in your business, contact us for guidance using the online form below. Alternatively call us on 01482 300 300 or email [tradingstandardsadvicecentre@hullcc.gov.uk](mailto:tradingstandardsadvicecentre@hullcc.gov.uk)

[Visit the Business Companion website for age related sales advice](#) (link opens in a new window)

As part of Hull Business in Development (BiD) local businesses are encouraged to have a connection with the council's city wide network of live **CCTV and radio systems**, improving communication between partner agencies – for more information please call **01482 616731** (office hours only)

### **Concerned about under age sales?**

If you would like to report illegal sales to young people, you can complete a reporting form by following the link below. Trading Standards will investigate complaints that a business is selling goods to young people below the required age.

[Online underage sales reporting form](#)

## **Drinks promotions**

Drinks promotions must comply with the requirements of the mandatory licence conditions. Applicants are recommended to consider advertising products and promotions in compliance with a recognised Code of Practice. Alcohol should not be advertised in a manner that may incite, or attract young people to drink. Applicants should also give consideration to their soft drink pricing policy so as not to discourage consumption of soft drinks by young people.

## **Drugs**

The sale of and use of drugs at licensed premises is a child protection concern. At premises, clubs or events where drug issues have been identified, the Hull Safeguarding Children Partnership expects that the premises management or event organiser shall operate a 'zero tolerance' policy. It is expected that this would include: The maintenance of an incident log; signage; regular and audited patrols of toilet/external areas; staff training. Premises/clubs are expected to address drug activity by working in partnership with the Police and responding proactively to prevent offenders accessing the premises.

For more information about substance misuse related issues in Hull contact City Safe on 01482 300300  
[http://www.hullcc.gov.uk/portal/page?\\_pageid=221,589327&\\_dad=portal&\\_schema=PORTAL](http://www.hullcc.gov.uk/portal/page?_pageid=221,589327&_dad=portal&_schema=PORTAL)

## **Smoking**

Ideally, children should not be allowed in smoking areas. Children exposed to the effects of a smoking environment are at risk of serious harm to their health.

Consideration must be given to the welfare of children when designating any external smoking areas. Consideration should also be given to the supervision of children if adults temporarily exit the premises to smoke.

The business should seek advice from a competent person on the design, and construction of any smoking shelters to ensure compliance with smoke-free legislation, or contact Environmental Health at Hull City Council on 01482 300300

For more information about smoking cessation

<http://www.smokesnojoke.com/> - for young people and parents

<http://www.readytostopsmoking.co.uk/> - for adults

## **Supervision of children**

Parents/carers may have primary responsibility for the supervision of the children in their care, but the licence holder / premise supervisor still has responsibility to ensure the safety of all children on the premises.

Young children may be at risk if they are not properly supervised or are exposed to adults who have become intoxicated. Being drunk can severely impair someone's ability to parent effectively which can result in either the child's needs not being adequately met or the child being exposed to harmful situations. Being drunk and in charge of a child under 7 in a public place or on a licensed premise is a criminal offence (Section 2 Licensing Act 1902).

Children and Young children can become dangerously intoxicated by quite small quantities of alcohol, so care needs to be taken to clear used glasses to protect them from this risk.

Have a policy on clearing glasses to minimise opportunity for children to access left-over alcohol.

### **If you have concerns about a child or young person's safety**

- **Police non-emergency 101**
- **Emergency 999**
- **Children's Social care Central Duty Team – 01482 448879**

## **Outside areas/play areas**

In order to prevent children from harm, the following measures should be considered:

- carrying out a suitable and sufficient risk assessment for play area and equipment;
- effective preventative measures in place to ensure the area and equipment is safe, e.g. daily and periodic safety checks by competent persons, and adequate signage etc;
- all external areas routinely monitored and supervised;
- the use of polycarbonate glassware.

Further information on safety issues is available from the website <http://www.rospa.com/> and BS EN Standard 1176 and 1177 (Standards for Outdoor Play Area).

## **Staffing**

Appropriate recruitment and selection processes should be in place to ensure that appropriate checks are completed on all staff and volunteers including:

- Verification of identity
- References
- Where paid staff and volunteers with unsupervised access to children and young people should undertake an enhanced CRB check.

Staff should be easily identifiable (uniform or badge) and understand what they should do if they have concerns about the safety of children.

Staff should be trained in age verification and should understand how and where to report a concern about a child / children

It may be useful to identify a member of staff as the designated lead person on safeguarding issues. This may be the DPS / Manager. This person would be recommended to complete additional training in child protection

For access to child protection training

[www.hullsafeguardingchildren.org](http://www.hullsafeguardingchildren.org)

The license applicant is responsible for ensuring that any staff working on the premises who may have specific access to children through the nature of their employment (for example, coaching, supervised play areas, children's entertainment) have appropriate CRB checks

For more information about CRB checks

[http://www.direct.gov.uk/en/employment/startinganewjob/dg\\_195809](http://www.direct.gov.uk/en/employment/startinganewjob/dg_195809)

### **Independent Safeguarding Authority reporting**

If you dismiss or remove someone from regulated activity (or you would have done had they not already left) because they harmed or posed a risk of harm to vulnerable groups including children, you are legally required to forward information about that person to the ISA. It is a criminal offence not to do so. If you believe that the person has committed a criminal offence, we also strongly advise you to pass the information to the police. For further information on the duty to refer to the ISA, please see [www.isa.homeoffice.gov.uk](http://www.isa.homeoffice.gov.uk)

**Your organisation has a duty to make referrals to the Independent Safeguarding Authority, and it must not knowingly engage a barred person in regulated activity.**

### **Door supervisors**

The times during which door supervisors are employed and the number considered necessary is a matter for the premises licence holder and designated premises supervisor to address when promoting the four licensing objectives. However, licence

holders, or designated premises supervisors should consider employing door supervisors in the following circumstances: where alcohol is sold after 11.00 pm; where dancing is provided as part of the licensed activities, at premises where the maximum occupancy figure is anticipated and at premises providing entertainment carrying a special risk. Special risk events could include adult entertainment, pugilistic events or a demonstration of hypnotism.

The responsibility of gaining a valid licence to work legally within the private security industry belongs with the individual and they will be breaking the law if they work without a licence. However the employer will be breaking the law if they employ unlicensed staff.

For more information about licensable roles and application for licences follow the attached link.

<http://www.sia.homeoffice.gov.uk/Pages/home.aspx>

### **Regulated entertainment (adult entertainment)**

Adult entertainment is not suitable for children and young people under the age of 18 years. No staff under the age of 18 years should be employed on the premises where adult entertainment takes place. At premises where such entertainment is allowed children should be excluded to ensure that they are not exposed to any inappropriate acts or material. Examples of adult entertainment unsuitable for children would include; gambling, sexual entertainment such as lap dancing, performances involving nudity, piercing or tattooing events or where certain types of live music suggest exposure to obscenity violence or drug use

Clear signs should be used so that people are aware when and where children are welcome in the premises, including time restrictions where unsuitable entertainment/activity may be taking place

Ensure that television, DVD, display screens are suitably separate from children's areas; e.g. they could be screened off so that children cannot see, or sound-proofed so they are unable hear unsuitable material.

#### Special consideration in respect of Cinemas

The Licensing Authority will expect licensees to impose conditions that children who have not reached the prescribed age will be prevented from viewing age restricted films, classified by the BBFC or the City Council itself.

Measures for ensuring non-admission such as door supervision, age checks (including staff) should be in place.

At places of regulated entertainment the Licensing Authority may require licensees to make appropriate arrangements for the supervision of children on the premises including their entry and exit. This may include the provision of a minimum number of suitably qualified staff who have been subject to the appropriate checks conducted by the Criminal Record Bureau.

### **Special effects**

Signage should be prominently displayed warning that special effects are included and if possible state what the special effects are. (Some special effects, such as dry ice, could be a potential risk for a child with asthma; strobe lighting could be a potential risk for a child with epilepsy.)

### **Venue/ premise location**

Where licensed premises or clubs are in close proximity to schools, nurseries, parks, or other children's provision, there needs to be an awareness of issues of alcohol misuse, criminality and adult entertainment particularly during the day and in garden or outside areas.

Managers of licensed premises or clubs that are situated in residential areas need to be aware that children and young people living near those premises may be disturbed by any excessive noise, for example: loud music or noise made by customers leaving premises late at night. This should be addressed through signage and verbal advice to customers or members. If children are living at a licensed premises, consideration should be given to the impact of noise on the welfare of those children.

### **Children and Noise - Advice to Premises License Holders**

#### For family events such as weddings, bar/bat mitzvahs, birthday parties in enclosed spaces

- Keep children away from speakers or the stage
- Try to prepare an area at the rear of the room
- Have a separate room for young children away from the noisy area

#### For young persons discos and youth clubs in enclosed buildings

- Keep the music noise levels below 85dB(A) (80dB(A) where children under 12 are present)
- Have a chill out room with quieter ambient style music

#### For children at festivals

- Ensure a supply of ear defenders are available for free or for sale for infants and young children
- Ensure a supply of ear plugs are available for children older than 14
- For paid ticketed festivals make it a requirement that children have ear defenders or ear plugs with them prior to entry

#### For children playing in orchestras in front of an audience e.g. school open day,

- raise the brass section higher than the other sections
- reduce the amount of 'noisy' repertoire,
- choose lighter repertoire for smaller venues,

- hold sectional rehearsals whenever possible,
- establish the (correct) use of ear plugs and/or screens,
- never double rank the brass when it's a noisy repertoire

### **Children's Entertainment**

Where an activity takes place at a licensed venue which is directly aimed at children, such as a children's party or show, consideration must be given to the number of adults required to be present, and the responsibilities of those adults required to be present, and the responsibilities of staff, to ensure that children are safe and protected from harm.

If staff have responsibilities for supervising children's activities in the absence of a responsible adult, or if staff are in one to one private contact with children, appropriate checks should have been completed. If an activity requires children to be accompanied by a responsible adult, this requirement should be publicised (in the booking contract, tickets or publicity materials) and strictly enforced.

**Entertainers** - Any external children's entertainers who are contracted to work at licensed premises/clubs or events are encouraged to produce a personal and recent Criminal Records Bureau check. This also applies to individuals volunteering their services, such as play supervisors or providers of children's entertainment.

### **Child employment**

The law governing child employment exists to ensure that children are protected and not exploited if they have a part-time job, while still of compulsory school age.

Children from 13 to compulsory school leaving age must have a work permit that they should carry with them when working.

The employer is responsible for the health and safety of the child while at work. Children of non-compulsory school age are restricted when selling alcohol and sales may only take place in compliance with the Guidance issued under Section 182 of the Licensing Act 2003 which requires specific supervision by a designated 'responsible person'.

You will need to complete specific application forms if you wish to employ a child in certain types of employment. The application forms and supporting documentation is available to download from <http://www.hullcc.gov.uk>

### **Safeguarding children who are taking part in performances/events**

Local authorities are responsible for licensing children who take part in television, theatre, modelling and paid sporting activities in accordance with 'The Children and Young Persons Act 1963' and 'The Children (Performances) Regulations 1968'.

The person responsible for the production of the performance should apply for the licence.

Application should be made to the Local Authority where the child lives. This may be different to the Local Authority of the child's school and where the production is to take place.

The person who signs the licence is the licence holder and as such is responsible for the compliance with the conditions of the licence.

All children that are absent from school for performances will require a licence.

In cases where children are mobile between locations/areas of a premises/event ensure that adequate measures are taken to supervise their transition between areas to prevent them wandering off or becoming vulnerable to undesirable influences.

### **Children living at licensed premises**

Families who live at licensed premises often maintain the same kind of routines as those living in other types of households, to care for their children and ensure they remain safe. For most families, living at premises that operate as a pub, club, or off licence presents no problems and children living there enjoy normal family life.

For some families however, living at a licensed premises can present parents/carers with challenges and circumstances that other parents/carers do not normally experience.

#### **What are the risks?**

For many parents/carers the risks associated with a licensed environment may be normalised and not perceived as an unusual or unsafe part of their every day environment. It's important that parents/carers recognise the risks to children and workers should ensure the potential risks are discussed with parents/carers and offer advice about ways to manage risk.

Children and young people living at licensed premises, particularly where alcohol is on sale, can be exposed to various risks on a regular basis. For example, customers who:

- Misuse alcohol
- Use strong or offensive language
- Are drunk, aggressive, violent
- Engage in inappropriate behaviour (sexual acts, indecent exposure, vomiting)
- Use or deal drugs and discard dangerous drug related paraphernalia
- Use dangerous weapons (guns, knives etc)
- Are criminal or sexual perpetrators

Noise nuisance can also affect the quality of life for children living at, or in close proximity to, a licensed premises – particularly if the pub/club hosts functions involving music or if there's an outside 'beer garden' or smoking area. Loud noise late at night may frighten a young child and can affect the child's sleeping patterns and impact on their development and education.

### **Managing the risks**

To make sure the licensed environment remains safe and appropriate for children and young people living there, advice to parents/carers should include:

- Make sure that a responsible adult is available to supervise children in the private living quarters. It is not safe to leave a child unattended.
- Ensure that the adults responsible for supervising children are not intoxicated.
- Childminding arrangements should be made if parents/carers are working (for example serving on the bar or tills).



- Children should not work at the premises or cover if there is a shortage of staff. There are bylaws and regulations governing the hours and conditions for children's work and a permit is a legal necessity, even for family relatives.
- Not to let the child(ren) play in the licensed area as it may be unsafe. Some premises licences have licence conditions prohibiting children in the licensed area and there may be legal consequences for allowing children to play in licensed areas at certain times.
- Arrangements are in place to allow parents/carers to prioritise their children's needs. For example, adequate staff should be employed to cover the business, to allow parents to attend health or school appointments or to do 'the school run'.
- Create a private play area that is designated and secure for residents.
- Secure access points to the living quarters to prevent the public entering private areas.
- Store alcohol safely to prevent children drinking or toddlers accidentally ingesting it. There is no safe amount of alcohol for a child, even a small amount can be lethal, particularly if the child consumes it with other drugs or prescribed medication.
- Report the condition of the property/building to the business owner if the building is not in safe repair.
- Plan and manage licensed activities at the premises such as parties, functions, disco's and live music entertainment so that noise does not affect the wellbeing of children.
- Contact the police for help if customers engage in criminal or dangerous behaviour.

### **Licence application Process – Protecting children from harm**

When addressing **Protection of Children from Harm**, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children and include within the operating schedule such steps as are deemed necessary to resolve them.

### **Process of the HSCP Representative responding to Licence applications**

All applications for new or varied premises licences must be sent to the Licensing Authority and simultaneously to the HSCP representative as consultee for the protection of children from harm licensing objective. This needs to be done within the legal timescale set out in the Licensing Act 2003.

The HSCP representative will log the application on a database and assess the information provided to ensure that the protection of children from harm is being considered in the licensing application. A record of any decision made on behalf of the Hull Safeguarding Children Partnership. This includes liaison with the relevant Responsible Authorities/agencies/applicant,

Where insufficient information is provided on the license application, the HSCP will contact the applicant, or the applicant's representative to offer advice and support.

If a representation is to be made by HSCP in respect of an individual licence application then this will be done within the statutory time limit (currently 28 days). The representation will be sent to the Local Authority Licensing department.

To expedite the application process and avoid unnecessary hearings, HSCP representative shall, where possible negotiate with the applicant or applicant's representative, so that the necessary safeguarding measures are included in the application as licence conditions.

If an agreement is not reached by the end of the consultation period the HSCP representative will provide a report to the licensing committee on request explaining the reasons for the representation.

The Licensing Authority provides the HSCP with a weekly schedule of current applications in order to check that the HSCP has received all applications. The HSCP shall liaise with the Licensing Authority regarding applications not received.

## **Restrictions**

Where the Licensing Authority has placed specific restrictions on a licence relating to children, any breach of those restrictions coming to the attention of the Hull Safeguarding Children Partnership will be referred immediately to the Licensing Authority. The Hull Safeguarding Children Partnership considers that the restrictions imposed by licence conditions apply to all children accessing the event, premises or club, including children living at licensed establishments.

## **Child protection policy**

All owners/licence holders and their staff should have a basic awareness of child protection issues. This includes:

- Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences.
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
- Knowing who in the organisation to raise your concerns with.
- Being competent in taking the appropriate immediate or emergency action.
- Knowing how to make a referral to Children's Services and/or the Police.

If anyone involved with premises which have been licensed has any concerns about a child, then they must discuss these with Children's Social Care or the Police as soon as possible

In any situation where there is a suspicion that there may be abuse the welfare needs of the child must come first (see Children Act 1989) even where there may be a conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

These may include concerns about a member of staff or a suspicion that an activity taking place in the establishment could place children at risk.

Children's Services (daytime) - 01482 448879  
Children's Services Emergency out of hours – 01482 788080  
Police non emergency number – 101  
Emergency services - 999

The HSCP have produced a child protection policy template which is available from [www.hullsafeguardingchildren.org](http://www.hullsafeguardingchildren.org)

## **Director of Public Health**

### **Health Impacts of Continuing Availability of Illegal Tobacco in the City**

#### **Illegal Tobacco and Health**

Illegal tobacco increases harm to the public's health through a multitude of factors, including reducing barriers through cost, packet advertising, unknown ingredients and increasing product accessibility.

#### **Barriers through Cost**

The sale of illicit tobacco undermines public health policy by offering a cheaper option for those who might otherwise see price as a reason to stop smoking. High duty rates have made tobacco less affordable and have helped to reduce smoking prevalence in the UK from 26 per cent to 19 per cent over the last fifteen years. However, the Department of Health found there were almost three times as many smokers among the lowest earners in our society in comparison to the highest earners. This is a particular issue for Hull as the 3<sup>rd</sup> most deprived City in England. Recent data from the 2018 Annual Population Survey shows that Hull has amongst adults, the highest smoking prevalence in the country, at 26.1%.

It is clear illegal tobacco minimises the barrier of cost to children and adults on low incomes. This clearly reduces the impact of the Tobacco Control Plan for England.

#### **Packet advertising**

Illegal tobacco product packaging normally does not meet the rules for standardisation, requiring the prominence of health warnings and the removal of manufacturer branding.

These products may have been made for other markets where rules are less stringent or there could be counterfeit products mimicking foreign brands. Tobacco promotion can occur when smokers of branded illegal tobacco are seen with the products.

#### **Unknown Ingredients**

By not adhering to regulation illegal tobacco products can contain even more harmful chemicals than UK regulated supply. They are also unlikely to meet UK legislation for the maximum permitted yields of tar, nicotine and carbon monoxide. By accessing illegal tobacco products consumers are unknowingly placing themselves and those experiencing passive smoke at additional health risks. Additionally, counterfeit cigarettes do not contain self-extinguishing properties, placing the smoker at further risk.

#### **Increased product accessibility**

Retailers selling illegal tobacco are already flaunting UK laws. Unlawful retailers increase the product accessibility to children. Children can be encouraged to smoke through the lower price of illegal tobacco and the possibility of purchasing smaller quantities. The trading standard service has received a number of intelligence reports for the sale of tobacco products to children in Hull by illegal traders.

**In summary**

Illegal tobacco makes products more available to price sensitive smokers including children. The non-adherence to packaging regulation is known to entice new young smokers. Unknown ingredients, together with the non-compliance with maximum permitted yields of tar, nicotine and carbon monoxide add to smoking health risks for users and those experiencing passive smoke. Access to illegal tobacco undermines the smoking prevalence reduction measures successfully used in England, undermines our ambition for a smoke free generation in Hull by 2025 and contributes to further harm.



# **Serving our communities to make them safer and stronger**

**CUMULATIVE IMPACT CONSULTATION.  
DATA ANALYSIS IN SUPPORT OF THE REVIEW OF THE  
AVENUES CUMULATIVE IMPACT ZONE.**

**September 2021**

## **Background.**

This document outlines Humberside police support in the review of the cumulative assessment zone within the Avenues area of the city.

The document provides evidence of the need for the CIZ to remain in order to control the volume of crime and disorder experienced in and around this specific area of Kingston upon Hull.

The Licensing Act 2003 establishes a single integrated scheme for licensing premises which are used for the sale or supply of alcohol, provide regulated entertainment, or provide late night refreshment. Permission to carry on some or all of these licensable activities is contained in a single licence.

The Act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:

1. The prevention of crime and disorder
2. Public safety
3. The protection of children from harm
4. Prevention of public nuisance.

The high concentration of premises making OFF sales of alcohol in a particular area can lead to an increase in consumption in a public place, or 'street drinking'. This can result in associated problems such as creating an atmosphere of fear and intimidation to local residents through drunkenness in the street, anti-social behaviour and various forms of crime and disorder. In these areas, adoption of a Special Policy to prevent further escalation of problems in the form of one or more CIAs is worthy of consideration.



In 2018, a cumulative impact assessment was carried out and it was agreed a cumulative assessment zone would come into effect in the area bordered on and between Spring Bank, Princes Avenue, Newland Avenue, Cottingham Road and Beverley Road.

Since this has been in place, Humberside police will demonstrate the effect this area has had on the local community in relation to crime statistics and how safe management and enforcement of the licensing act has been successfully implemented.

In the time the CIZ has been in place, this area has accounted for over 20% of all reviews and objections submitted and has supported stricter licensing conditions at a further 13 premises who have applied for a new alcohol licence or in variations to existing premise licences.

## Objections / Reviews.

Since the introduction of the CIZ coming into effect in 2018, there have been 54 objections / reviews made in the city of Hull by Humberside police community safety licensing team, ward counsellors and local residents. Of these, 12 have been in the CIZ. This area alone has accounted for 22% of all applications made for a decision from a licensing committee.

Data from the Objections within the proposed area. These objections resulted in conditions having to be added to applications, applications refused, applications granted and applications withdrawn by the applicants.

Date	Grant/Review	Premises Name	Address	Objector / Review Applicant	Outcome
06/02/2018	Review	Zabka	114 Spring Bank	Humberside Police	<b>REVOKED</b>
23/04/2018	Grant	Zodiak Local	420 Beverley Road	Humberside Police/Councillor/Resident	<b>GRANTED WITH AMENDED CONDITIONS</b>
18/10/2018	Variation	Price Crunch	54 Cottingham Road	Resident or Residents	<b>VARIED WITH AMENDED CONDITIONS</b>
21/12/2018	Grant	N/A	17 Princes Avenue	Humberside Police	<b>GRANTED WITH AMENDED CONDITIONS</b>
07/05/2019	Grant	Food Plus	400 Beverley Road	Humberside Police	<b>REFUSED</b>
13/08/2019	Grant	N/A	209 Newland Avenue	Humberside Police/Residents	<b>REFUSED</b>
16/09/2019	Grant	N/A	400 Beverley Road	Humberside Police/Councillor/Residents	<b>REFUSED</b>
31/10/2019	Grant	Heron	76-78 Newland Avenue	Councillor/Resident	<b>GRANTED</b>
06/12/2019	Transfer/Vary DPS	Stokrotka	224 Beverley Road	Humberside Police	<b>GRANTED</b>
11/01/2021	Grant	Zodiak Local	359 Beverley Road	Councillor/Resident	<b>GRANTED</b>
30/03/2021	Grant	N/A	62a Beverley Road	Humberside Police/Councillor	<b>GRANTED applicant agreed conditions)</b>
21/04/2021	Grant	N/A	8 Newland Avenue	Humberside Police/Resident	<b>REFUSED</b>



## Further related work.

The CIZ has also supported Humberside police in a number of variations, new applications and appeals to existing licensing conditions. Because of their location to the CIZ, we were successfully able to influence stricter conditions as part of the operating schedules at 13 further premises.

Date	Reason	Premises Name	Address	Objector / Review Applicant	Outcome
03/10/2019	New application	OHO	114 Spring Bank	Humberside Police	AGREED WITH AMENDED CONDITIONS
31/10/2019	Variation	Beverley Mini Market	Beverley Road	Humberside Police	CLOSURE ORDER
19/07/21	Variation	Dahy	Spring Bank	Humberside Police	AGREED WITH AMENDED CONDITIONS
29/04/2021	Variation	H and D	Beverley Road	Humberside Police	AGREED WITH AMENDED CONDITIONS
26/07/2021	Appeal	Cashino	Newland Avenue	Humberside Police	WITHDRAWN BY APPLICANT
26/07/21	Variation	Kahahi	44 Cottingham Road	Humberside Police	AGREED WITH AMENDED CONDITIONS
05/11/2019	Variation	Beehive	73 Newland Avenue	Humberside Police	AGREED WITH AMENDED CONDITIONS
07/05/19	Variation	D and D	Beverley Road	Humberside Police	AGREED WITH AMENDED CONDITIONS
16/09/2019	Variation	Blue Shop	Spring Bank	Humberside Police	AGREED WITH AMENDED CONDITIONS
31/10/2019	Variation	Nasra Biedronka	Spring Bank	Humberside Police	AGREED WITH AMENDED CONDITIONS
06/12/19	Variation	Newland Store	Newland Avenue	Humberside Police	AGREED WITH AMENDED CONDITIONS
30/03/2021	New application	Londis	103 Cottingham Road	Humberside Police	AGREED WITH AMENDED CONDITIONS
21/04/2021	Variation	Luciano	Cottingham Road	Humberside Police	AGREED WITH AMENDED CONDITIONS

## Data analysis 2018 – 2021. Alcohol related incidents and crime within the cumulative impact zone.

Incident Type (Alcohol Related)	Year					Total	Percentage Change					Pre/ Post Covid*
	16/17	17/18	18/19	19/20	20/21		16/17 to 17/18	17/18 to 18/19	18/19 to 19/20	19/20 to 20/21		
Violence/Assault	243	147	167	216	224	997	-40%	14%	29%	4%	34%	
Concern For Safety/ Collapse/Illness/Injury/Trapped	185	173	167	192	209	926	-6%	-3%	15%	9%	25%	
ASB Nuisance	185	164	140	103	191	783	-11%	-15%	-26%	85%	36%	
Suspicious Circumstances/Insecure Premises Or Vehicles	104	90	73	77	135	479	-13%	-19%	5%	75%	85%	
Public Order Offences	31	35	51	81	118	316	13%	46%	59%	46%	131%	
Domestic Incidents	160	64	94	64	95	477	-60%	47%	-32%	48%	1%	
Road Related Offence	72	58	48	84	48	310	-19%	-17%	75%	-43%	0%	
Criminal Damage	36	25	30	29	47	167	-31%	20%	-3%	62%	57%	
ASB Personal	72	30	25	17	32	176	-58%	-17%	-32%	88%	28%	
Crime Related Incident - Not Crime Or NICL	61	34	14	31	26	166	-44%	-59%	121%	-16%	86%	
Abandoned Calls - Including 999	22	17	14	7	24	84	-23%	-18%	-50%	243%	71%	
Threats To Kill/Commit Damage	6	4	3	6	21	40	-33%	-25%	100%	250%	600%	
Rape	12	15	11	10	18	66	25%	-27%	-9%	80%	64%	
Theft - Other (Includes Shop Lifter/Theft)	23	13	12	13	18	79	-43%	-8%	8%	38%	50%	
Robbery	10	10	7	12	17	56	0%	-30%	71%	42%	143%	
Harassment	3	1	5	3	14	26	-67%	400%	-40%	367%	180%	
Other Sexual Offences	15	4	9	6	12	46	-73%	125%	-33%	100%	33%	
Burglary - Residential	1	1	4	2	10	18	0%	300%	-50%	400%	150%	
ASB Environmental	6	4	6	3	8	27	-33%	50%	-50%	167%	33%	
Arson	1	0	0	0	2	3	-100%	N/A	N/A	N/A	N/A	
Drugs	2	3	3	2	2	12	50%	0%	-33%	0%	-33%	
Hoax Calls	2	1	1	1	2	7	-50%	0%	0%	100%	100%	
Theft Of Motor Vehicle	1	1	0	1	1	4	0%	-100%	N/A	0%	N/A	
Theft From Motor Vehicle	2	0	1	0	0	3	-100%	N/A	-100%	N/A	-100%	
Witness Intimidation	0	0	1	0	0	1	N/A	N/A	-100%	N/A	-100%	
Animals/Wildlife, All Animal Related Incidents	0	2	0	0	0	2	N/A	-100%	N/A	N/A	N/A	

Crime- Alcohol Related	Year			Total	Percentage Change		
	FY 2018/19	FY 2019/20	FY 2020/21		18/19 to 19/20	19/20 to 20/21	Pre/ Post Covid*
ARSON AND CRIMINAL DAMAGE	30	47	49	126	57%	4%	63%
ARSON		1		1	N/A	-100%	N/A
CRIMINAL DAMAGE	30	46	49	125	53%	7%	63%
BURGLARY	2	6	6	14	200%	0%	200%
BURGLARY RESIDENTIAL	1	6	6	13	500%	0%	500%
DRUG OFFENCES	7	9	5	21	29%	-44%	-29%
POSSESSION OF DRUGS	7	9	4	20	29%	-56%	-43%
TRAFFICKING OF DRUGS			1	1	N/A	N/A	N/A
POSSESSION OF WEAPONS	7	2	7	16	-71%	250%	0%
PUBLIC ORDER OFFENCES	64	76	132	272	19%	74%	106%
ROBBERY	17	6	11	34	-65%	83%	-35%
SEXUAL OFFENCES	29	16	28	73	-45%	75%	-3%
RAPE	21	7	20	48	-67%	186%	-5%
THEFT	28	30	24	82	7%	-20%	-14%
BICYCLE THEFT	1			1	-100%	N/A	-100%
OTHER THEFT	20	16	13	49	-20%	-19%	-35%
SHOPLIFTING	1	6	6	13	500%	0%	500%
THEFT FROM THE PERSON	6	8	5	19	33%	-38%	-17%
VEHICLE OFFENCES	1	3	1	5	200%	-67%	0%
VIOLENCE AGAINST THE PERSON	292	322	357	971	10%	11%	22%
STALKING AND HARASSMENT	12	6	16	34	-50%	167%	33%
VIOLENCE WITH INJURY	157	152	158	467	-3%	4%	1%
VIOLENCE WITHOUT INJURY	123	164	182	469	33%	11%	48%

**Repeat locations** – The table below shows reported incidents within the CIZ where the location is classed as a licensed premise.

Name of Premises	Premises type	Address	18/19		19/20		20/21	
			Alcohol	No Alcohol	Alcohol	No Alcohol	Alcohol	No Alcohol
LIDL	Supermarket	23 COTTINGHAM ROAD	3	93	3	90	13	96
SAINSBURY	Convenience Store	85 PRINCES AVENUE	14	80	11	67	21	76
TESCO EXPRESS	Convenience Store	245 NEWLAND AVENUE	1	57	4	43	3	37
ASDA STORES	Supermarket	165 BEVERLEY ROAD	1	38	2	34	6	29
TESCO EXPRESS	Convenience Store	255 BEVERLEY ROAD	1	22	4	16	2	21
BUDGENS (EX SAINSBURY)	Convenience Store	123 to 129 SPRING BANK	2	27	3	25	1	18
TAMIL BRASSERIE	Restaurant	52 BEVERLEY ROAD	0	1	0	6	2	18
KFC	TAKEAWAY	188 BEVERLEY ROAD	1	20	0	29	5	13
TESCO EXPRESS	Convenience Store	203 SPRING BANK	1	21	2	17	4	12
ICELAND	Supermarket	185 to 201 SPRING BANK	1	5	1	7	1	10
QUEENS HOTEL	PUBLIC HOUSE	QUEENS ROAD	1	7	3	11	2	10
ROUND THE CORNER CAFE CIS2071924	Hotel	232 SPRING BANK	0	3	0	1	0	8
PAVE CIS2067586	PUBLIC HOUSE	16 to 20 PRINCES AVENUE	2	3	3	0	0	7
PEARSONS CIS2071141	PUBLIC HOUSE	6A PRINCES AVENUE	0	4	4	5	5	7
DORCHESTER EVENTS	Functions Hall/Venue	273 to 277 BEVERLEY ROAD	1	10	4	12	0	6
POLAR BEAR CIS2061416	PUBLIC HOUSE	229 SPRING BANK	7	7	4	4	1	5
BOWERY (THE) CIS2024303	PUBLIC HOUSE	30 to 32 PRINCES AVENUE	3	4	2	4	0	4
TOFTS LANE (EX REVIEW) CIS3213796	PUBLIC HOUSE	64 70 NEWLAND AVENUE	4	5	4	5	0	4
KERBEDGE	restaurant and bar	56 PRINCES AVENUE	0	1	1	0	1	4
GARDENERS ARMS CIS2038803	PUBLIC HOUSE	35 COTTINGHAM ROAD	2	8	12	13	3	4
PIZZA MAFIA	TAKEAWAY	67 PRINCES AVENUE	0	0	0	0	0	3
ROSSY BROS	BETTING OFFICE	398 BEVERLEY ROAD	6	14	2	1	1	3
HERON FOODS	Convenience Store	76 to 78 NEWLAND AVENUE	0	8	5	1	1	3
PIZZA HOT	TAKEAWAY	100 NEWLAND AVENUE	7	8	4	5	1	3
JSK MINIMART	Convenience Store	62 PRINCES AVENUE	0	1	1	3	4	3
CASHINO	BETTING OFFICE	106 NEWLAND AVENUE	0	0	0	0	0	2
PAPA PIZZA	TAKEAWAY	55 PRINCES AVENUE	0	0	0	0	0	2
ART HOUSE	GALLERY	14 PRINCES AVENUE	0	0	0	1	0	2
DUKES CAFE BAR CIS2024834	BAR	44 to 46 PRINCES AVENUE	1	3	0	1	0	2
MAJESTIC TAKEAWAY	TAKEAWAY	71 NEWLAND AVENUE	0	4	1	1	0	2
BOTANIC HOTEL CIS2025580	PUBLIC HOUSE	231 SPRING BANK	0	0	1	3	0	2
PEPPINO	TAKEAWAY	402 BEVERLEY ROAD	0	2	0	0	1	2
STEPNEY POST OFFICE & NEWSAGENCY	Convenience Store	168 BEVERLEY ROAD	0	2	2	1	1	2
ASIAN KITCHEN TAKEAWAY	TAKEAWAY	35 PRINCES AVENUE	0	2	0	1	2	2
PIPER CLUB CIS2061451	PUBLIC HOUSE	NEWLAND AVENUE	21	31	29	23	2	2
DIVE BAR	BAR	59 PRINCES AVENUE	0	0	1	0	0	1
STOKROTKA EUROPEAN SUPERMARKET	Convenience Store	224 BEVERLEY ROAD	0	1	2	0	0	1
YORKSHIRE PIZZA	TAKEAWAY	126 to 128 BEVERLEY ROAD	0	0	0	1	0	1
PIZZA BY PAPA	TAKEAWAY	214 NEWLAND AVENUE	3	1	0	1	0	1
LADBROKES	BETTING OFFICE	91 NEWLAND AVENUE	0	3	1	1	0	1
UNIT1 NEWLAND HOUSE	TAKEAWAY	BEVERLEY ROAD	0	0	0	2	0	1
HULL COMMUNITY CHURCH	CHURCH	310 NEWLAND AVENUE	0	1	0	2	0	1
PASHA CAFE & SHISHA BAR	CAFE	279 BEVERLEY ROAD	0	1	0	2	0	1
UNION MASH UP CIS2021320	Restaurant	22 PRINCES AVENUE	1	1	1	2	0	1
MARAKESH AVENUE	Restaurant	58 PRINCES AVENUE	0	0	0	3	0	1
HOLE IN THE WALL CIS3061063	PUBLIC HOUSE	115 SPRING BANK	0	0	2	3	0	1
ROOTS BAR CIS2072881	BAR/RESTAURANT	206 NEWLAND AVENUE	0	6	2	3	0	1
SAINSBURY	Convenience Store	118 NEWLAND AVENUE	0	6	1	7	0	1
LARINOS	TAKEAWAY	62 BEVERLEY ROAD	1	1	0	0	1	1
17 PRINCES AVENUE/BONGO JERRYS	Convenience Store	17 PRINCES AVENUE	0	4	0	0	1	1
LEVEL CAFE BAR (LA PIOLA RESTAURANT)	Restaurant	160 NEWLAND AVENUE	0	1	1	1	1	1
LUCCA RESTAURANT	Restaurant	84 PRINCES AVENUE	0	5	3	5	1	1
PIZZA KING	TAKEAWAY	359B BEVERLEY ROAD	0	5	2	2	2	1
TRATTORIA DA LUCIANO	CAFE	63 PRINCES AVENUE	0	2	0	0	0	0
CHARCOAL BAR CIS3169252	Restaurant	48 SPRING BANK	0	1	0	1	0	0
LARKINS BAR	CAFÉ or BISTRO	48 to 50 NEWLAND AVENUE	0	2	0	1	0	0
THE BLUE SHOP (QUICKSAVE)	Convenience Store	25 SPRING BANK	0	2	0	1	0	0
LOUNGE CIS2039871	BAR	26 to 28 PRINCES AVENUE	0	2	0	1	0	0
GARBUTTS CAFE BAR	CAFE	50 to 52 to 54 PRINCES AVENUE	0	4	0	1	0	0
QUICKSILVER	ADULT GAMING CENTRE	116 NEWLAND AVENUE	0	0	0	2	0	0
WINS TAKEAWAY	TAKEAWAY	35 SPRING BANK	0	1	0	2	0	0
BALTIJA AND FAMILY LTD	Convenience Store	145 BEVERLEY ROAD	0	0	0	3	0	0
SLEEPERS BAR & KITCHEN CIS2050251	PUBLIC HOUSE	47 to 49 NEWLAND AVENUE	0	3	0	0	1	0
PEOPLES REPUBLIC	BAR	112 NEWLAND AVENUE	0	1	2	0	1	0
WILLIAM HILL	BETTING OFFICE	94 NEWLAND AVENUE	0	5	1	1	1	0

All data was pulled for the following locations:

- HU5 1
- HU5 2
- HU5 3
- HU3 1
- HU2 9
- Cottingham Road (Number 2-64)

### **Licensed Premises in data area.**

In Kingston upon Hull there are in total, 860 premises licensed to sell alcohol (data from Humberside police Innkeeper system). The table below shows that 21% of all licensed premises are located within the area.

<b>Licensed premises within the CIZ area</b>	<b>Total</b>
Licensed premises	179
Of which are licensed for off-sales	67

## **Summary.**

Licensed premises in this area account for over a fifth of all licensed premises within the city of Hull and it remains one of the most vibrant and popular social locations within the city.

The data shows overall crime and other incidents have seen fluctuations, where this linked to alcohol. There have been decreases in theft, drugs offences, robbery and sexual offences, however increases have been seen in violence against the person, public order and criminal damage.

Offences and incidents directly linked to licensed premises within the area where alcohol is a factor is moderately low in comparison to overall offences recorded. The majority of these incidents were recorded at off-licenses / supermarkets with 8 out of 10 of the top 10 locations recorded in 2020-2021 being classified under this premise type.

In relation to enforcement and proactive work around licensed premises within the CIZ, in an 8 year period from 2010 to 2018, Humberside police instigated 35 objections / reviews / pre-hearing agreements. An average of 4.3 per year.

In the time the CIZ has been in place, from 2018 to 2021, Humberside police have instigated a further 25 similar actions at an average of 8.3 per year. 12 of these being new applications where the applicant has not demonstrated, in their operating schedule, evidence that there will be no negative cumulative impact on one or more of the licensing objectives.

Whilst the CIZ is not used solely to modify existing licences, it has influenced working practices of established premises and has allowed for Humberside police to adopt a more proactive and targeted approach to encourage effective management licensed premises in this area. Examples of this are The Piper Club on Newland Avenue where in 2019, Humberside police licensing team instigated a review of the premise licence due to increases in alcohol related disorder. By engaging with this premise, incidents reduced in number from 52 in both 2018-2019 and 2019-2020 to just 4 offences in 2020 – 2021. The Humberside police licensing team considers the CIZ to be an essential tool in managing new and established licensed premises within the CIZ and we have found having it in place, has actively promoted partnership working between ourselves, our premises and licensing consultants.

The data suggests that alcohol related crime and incidents remain at a level where continued engagement is needed. As specified in Section 5(3) of the 2003 Act on whether there is evidence that there is a continuance of serious problems of nuisance and disorder in the area and, following the consultation, will determine whether there is a need to continue with the publication of the CIA for the area detailed. Humberside police respectfully request the review panel should consider maintaining the CIZ in order to support our work and to build upon the successes seen in managing new and existing applications in the Avenues area.

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## **Responsible Authorities and other Useful Contacts**

### **Licensing Section**

Public Health and Adult Services  
Hull City Council  
33 Witham  
Hull  
HU9 1DB

Telephone: (01482) 300300

Fax: (01482) 615554

Email: [liquor@hullcc.gov.uk](mailto:liquor@hullcc.gov.uk)

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### **Humberside Police**

Alcohol Licensing Department  
Police Headquarters  
Priory Road Police Station  
Priory Road  
Hull HU5 5SF

Telephone: (01482) 976754/976759/976760/976761

Fax: (01482) 305063

Email: [communitieslicensing@humberside.pnn.police.uk](mailto:communitieslicensing@humberside.pnn.police.uk)

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### **Humberside Fire and Rescue Service**

Public Safety Centre  
Summergroves Way  
Hessle  
HU4 7BB

Telephone: (01482) 567133

Email: [publicsafetycentre@humbersidefire.gov.uk](mailto:publicsafetycentre@humbersidefire.gov.uk)

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### **Health and Safety Section**

Public Health and Adult Services  
Hull City Council  
33 Witham  
Hull  
HU9 1DB

Contact Officer: Khaled Choudhury

Telephone: (01482) 300300

Fax: (01482) 615453

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Email: [foodandhealth&safety@hullcc.gov.uk](mailto:foodandhealth&safety@hullcc.gov.uk)

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**(For Local Government and Central Government Premises)**

Health and Safety Executive  
Edgar Allen House  
241 Glossop Road  
Sheffield S10 2GW

Telephone: (0114) 2912300  
Fax: (0114) 2912379

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**Environmental Regulations Section**

Public Health and Adult Services  
Hull City Council  
33 Witham  
Hull  
HU9 1DB

Contact Officer: Mark Willoughby

Telephone: (01482) 300300  
Fax: (01482) 615554

Email: [environmentalprotection.jobrequests@hullcc.gov.uk](mailto:environmentalprotection.jobrequests@hullcc.gov.uk)

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**Food Safety Section**

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Public Health and Adult Services  
Hull City Council  
33 Witham  
Hull  
HU9 1DB

Contact Officer: Mike Fish

Telephone: (01482) 300300  
Fax: (01482) 615554

Email: [foodandhealth&safety@hullcc.gov.uk](mailto:foodandhealth&safety@hullcc.gov.uk)

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**Safeguarding Children Partnership**

4th Floor  
Kenworthy House  
98-104 George Street  
Hull  
HU1 3DT

Telephone: (01482) 379090  
Email: [jane.henderson@hullcc.gov.uk](mailto:jane.henderson@hullcc.gov.uk)

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**Hull Community Safety Partnership**

Hull City Council  
33 Witham  
Hull  
HU9 1DB

Telephone: (01482) 300300  
Email: [hull.citysafe@hullcc.gov.uk](mailto:hull.citysafe@hullcc.gov.uk)

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**Trading Standards Service (Weights and Measures Authority)**

Public Health and Adult Services  
Hull City Council  
33 Witham  
Hull  
HU9 1DB

Telephone: (01482) 300300  
Fax: (01482) 615572  
Email: [david.greenwood@hullcc.gov.uk](mailto:david.greenwood@hullcc.gov.uk)



**Planning Services**

Hull City Council  
The Guildhall  
Alfred Gelder Street  
Hull HU1 2AA

Telephone: (01482) 379090  
Email: [vicky.johnson@hullcc.gov.uk](mailto:vicky.johnson@hullcc.gov.uk)

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**Public Health**

Hull City Council  
The Hooper Building  
Guildhall Road  
Hull  
HU1 1HJ

Telephone: (01482) 616241  
Email: [des.cooper@hullcc.gov.uk](mailto:des.cooper@hullcc.gov.uk)