

Lincolnshire Police

Policy Document



Licensing policy PD 138

Policy document information

Reference number:	PD 138
Policy sponsor:	ACC
Policy owner:	Head of The Prevention Hub
Author:	Sgt Amy Adams
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Version history

Version	Date	Reason for issue
6	August 2018	Biennial Review
7	August 2020	Biennial Review
8	Sept 2022	Biennial Review
9	Sept 2024	Biennial Review

Code of Ethics

All staff involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each member of the policing profession to deliver the highest professional standards in their service to the public.

Legislative compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the staff and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

Other legislation/law which this policy has been drafted to comply with:

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)

- [Crime and Disorder Act 1998](#)
- [H&S legislation](#)
- [Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

Security classification

Policy to be published on Intranet: Yes

Policy to be published on Force Website: Partially

Authorised Professional Practice (APP)

This policy has been checked against APP and there is none in relation to the subject matter of this policy.

1. Policy aims (Purpose)

- 1.1. This policy has the purpose of providing guidance for regulation of licensed premises. It sets out the principal areas and responsibilities of Lincolnshire Police in relation to the Licensing Act 2003.
- 1.2. Lincolnshire Police seek to inspire trust and confidence by securing the safety of members of the public living, working, socialising or visiting the areas in and around Licensed Premises, thus providing safer environments and neighbourhoods for all.
- 1.3. This policy and its appendices will provide a corporate framework for the delivery of Lincolnshire Police's obligations under the Licensing Act 2003. It will provide guidance to all officers engaged in the Policing of licencing related incidents and ensure transparency to licensees with regards to the processes involved that can at times have significant implications on their businesses and livelihoods. This policy will outline an incremental enforcement process intended at its heart to develop closer working relationships and providing support to licensees, whilst ensuring appropriate robust action is taken in respect of irresponsible licensees.

- 1.4. This policy recognises and compliments the partnership ‘Codes of Practice for the evening economy’ and our countywide ‘Operation NOVA’ Campaign.

2. Policy statement (Key information)

2.1. Origins

- 2.1.1. The Licensing Act 2003 forms a legislative framework for the regulation of all activities involving the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. These activities are collectively referred to within the act as ‘licensable activities’.
- 2.1.2. The primary objectives of the Act are set out in four separate headings which between them allow for a broad range of opportunities for Police and Licensing Authorities to intervene in the interests of one or more of the licencing objectives being compromised.
- 2.1.3. The four licencing objectives according to the Licencing Act 2003 are:
- Prevention of crime and disorder.
 - Public safety.
 - Prevention of public nuisance.
 - Protection of children from harm.

These objectives form the basis of the Lincolnshire Police Licencing Standard Operating Procedures and underpin every element of the departments’ service delivery.

- 2.1.4. Whilst the licensing administration is now the statutory responsibility of Lincolnshire’s licensing authorities. The Chief Constable is deemed a ‘Responsible Authority’ in his or her own right. This places an important responsibility on the force in respect of applications, inspections, enforcement measures and licence reviews. To ensure operational capability the Chief Constables authority has been designated to all Lincolnshire Police Licensing Officers.
- 2.1.5. The content of this policy is in line with the current Force Strategy –

Working together to make Lincolnshire the safest place to live, work and visit.

And the Chief Constables 2024/2025 Plan which has the aims to

- Stop Crime and ASB
- Protect from Harm
- Help Those in Need

2.2. Principles

- 2.2.1. Lincolnshire Police will respond to all incidents of reported, identified or suspected breaches of the Licensing Act 2003, recording and monitoring all such breaches in an auditable and transparent manner.
- 2.2.2. Each failing licensee has the potential to allow and facilitate tragic outcomes as a result of irresponsible management and improper working practices, therefore early intervention in a staged approach is essential in order to foster strong working relationships with licensees and prevent such crime and disorder.
- 2.2.3. The three incremental steps Lincolnshire Police will adopt whilst discharging its duties under this policy are:
- Education
 - Intervention
 - Enforcement
- 2.2.4. Early identification of emerging issues will be aided by established corporate mechanisms put in place to grade premises according to risk and escalate intervention and enforcement levels wherever appropriate.
- 2.2.5. All license applications will be assessed objectively on their own merit. The application will be examined to identify and rationalise any likely objections to such licenses.
- 2.2.6. All reports of potential premises of concern will be dealt with objectively and assessed on their own individual merits.

- 2.2.7. Cultural diversity and language differences between licensees and licensing officers will always be taken into consideration and will be addressed at an early stage using an interpreter wherever necessary.
- 2.2.8. Where a licensed premises has been identified as at risk of not achieving the licensing objectives, licensing officers will ensure license holders are kept informed and involved in the reduction of risk wherever necessary by taking positive action to influence change in line with the licensing objectives.
- 2.2.9. The licensing team will adopt a staged problem solving approach in collaboration with district policing teams and other departments, in respect of all investigations of such breaches. This approach will provide local intervention wherever appropriate in an effort to reduce the probability of future breaches.
- 2.2.10. Ongoing communication and professional relations will be maintained and positively fostered between Lincolnshire Police staff and partner organisations, in the interest of further developing a collaborative approach to problem solving.
- 2.2.11. Where a serious crime or incident takes place within or close to licensed premises, the Licensing Department will be included as part of any response strategy or criminal investigation process.
- 2.2.12. Where a serious offence has been committed within a licensed premise, the Licensing Department will liaise with the SIO in charge of the investigation in order to address any issues pertaining to the Licensing Act. A joint response will be implemented according to the relevant policies, powers and procedures.
- 2.2.13. Removed after review Sept 2022.
- 2.2.14. Premises that are currently of concern to one or more appropriate authority will be managed by the central Licensing Department, unless exceptional circumstances apply.

- 2.2.15. Premises that are likely to be subject of concern unless intervention is put in place will be managed at a local level, with specific tasks directed by the central Licencing Department.
- 2.2.16. Premises which have not been highlighted as likely to become a cause for concern will not be routinely visited over and above normal local levels, unless information / intelligence escalate its status. Those premises will remain part of the community, visited and supported as normal by the neighbourhood policing teams.
- 2.2.17. There is a process to escalate and de-escalate the status of licensed premises according to the on-going management of such premises. This policy should be read in conjunction with the attached appendices to comprehensively understand its scope.

3. Other related documents and appendices

3.1. Appendices:

- Appendix A - Standard Operating Procedures
- Appendix B - Process Flowchart
- Appendix C – Innweb Guidance

4. Monitoring and review

- 4.1 The Head of Licensing will maintain responsibility for the monitoring of this Policy ensuring it remains up to date and fit for purpose as legislation changes.

5. Who to contact about this policy

- 5.1. This policy is owned by Head of The Prevention Hub. Any enquires about this policy should be directed to the Licensing department in the first instance.

Pro-forma for the equality initial assessment

This screening document is the first stage in a two-stage process to take a systematic approach to assessing the impact of an activity on equality. An activity may mean a:

- policy or policy review
- a business case
- a business plan
- a project initiation
- a decision to implement a service
- a decision to decommission a service.

This screening should be completed by the lead person for the activity with assistance from any of the following departments:

- Human Resources (where appropriate)
- Equality and Diversity

Department:	Licensing Department	Section:		Person responsible for assessment:	Sgt Amy Adams
Policy being assessed:	Licensing Policy	Date of assessment:	Sept 2024	Is this a new or existing policy?	Existing

Question	Answer
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1. Briefly describe the aims, objectives and purpose of the policy.	The ultimate aim of this policy is to ensure that wherever possible Lincolnshire Police will work towards preventing crime & disorder, ensuring public safety, preventing public nuisance and protecting children from harm.
2. Are there any associated objectives of the policy? Please explain.	Lincolnshire Police will respond to all incidents of reported, identified or suspected breaches of the Licensing Act 2003, recording and monitoring all such breaches in an auditable and transparent manner.
3. Who is intended to benefit from the policy and in what way?	The communities of Lincolnshire, including visitors, Lincolnshire Police, Children and Young persons. Effective management of licensing activity reduces crime and anti-social behaviour keeping communities safe and feeling safe.
4. What outcomes are wanted from this policy?	A fair and consistent approach to monitoring and enforcing the Licencing Act 2003 in Lincolnshire, by working with partners in a proportionate and incremental way to achieve the licensing objectives.
5. What factors/forces could contribute/detract from the outcomes?	Failure to thoroughly investigate a report of a breach of the Licensing Act may leave an individual or group of individuals at risk in the premises concerned and the police service vulnerable to a legal challenge under the Human Rights Act or the law relating to negligence. It is therefore imperative that resources associated with this activity are maintained and maximised.
6. Who are the main stakeholders in relation to the Policy?	Lincolnshire Police, Responsible Authorities as designated by the Licensing Act 2003, partner agencies. District licensing authorities, License holders.

7. Who implements the policy and who is responsible for the activity?	Whilst the licensing administration is now the statutory responsibility of Lincolnshire's licensing authorities. The Chief Constable is deemed a 'Responsible Authority' in his or her own right. This places an important responsibility on the force in respect of applications, inspections, enforcement measures and licence reviews.
8. Is there any likelihood the policy could have a differential impact on racial groups? (Including Gypsies and Travellers)	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling within the scope of the Licensing Act 2003 and achieve the aim of the policy. It does not discriminate or have any unfair impact upon this group whether they be licensees or customers or part of the wider community.
What existing evidence (either presumed or otherwise) do you have for this?	All action taken by Lincolnshire Police is recorded on Innkeeper and is available for auditing and quality assurance purposes.
9. Is there any likelihood the policy could have a differential impact due to gender?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling within the scope of the Licensing Act 2003 and achieve the aim of the policy. There are no identified impacts that emanate from a specific type of gender
What existing evidence (either presumed or otherwise) do you have for this?	
10. Is there any likelihood the policy could have a differential impact on due disability?	No

	This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling with the scope of the Licensing Act 2003 and achieve the aim of the policy. This policy will have no differential impact due to disability.
What existing evidence (either presumed or otherwise) do you have for this?	
11. Is there any likelihood the policy could have a differential impact on people due to sexual orientation?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling with the scope of the Licensing Act 2003 and achieve the aim of the policy. This policy will have no differential impact due to sexual orientation.
What existing evidence (either presumed or otherwise) do you have for this?	
12. Is there any likelihood the policy could have a differential impact on people due to their age?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling with the scope of the Licensing Act 2003 and achieve the aim of the policy. No differential impact due to age
12a. Is there any likelihood the policy could have a differential impact on Young People and Children?	Yes This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling with the scope of the

	Licensing Act 2003 and achieve the aim of the policy. There could be a differential impact to children and young people
What existing evidence (either presumed or otherwise) do you have for this?	The licensing objectives include the protection of children which includes the targeting and identification of young persons during licensing activities. Such individuals found on licensing premises will be treated differently according to safeguarding as part of legislation.
12b. Is there any likelihood the policy could have a differential impact on Older People?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling within the scope of the Licensing Act 2003 and achieve the aim of the policy. No impact.
What existing evidence (either presumed or otherwise) do you have for this?	
13. Is there any likelihood the policy could have a differential impact on people due to their religious belief?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling within the scope of the Licensing Act 2003 and achieve the aim of the policy. Whilst some religions do have different ideals and values concerning alcohol consumption the licensing activity will have no differential effect.
What existing evidence (either presumed or otherwise) do you have for this?	

14. Is there any likelihood the policy could have a differential impact on people due to them having dependants/caring responsibilities?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling within the scope of the Licensing Act 2003 and achieve the aim of the policy. No impact.
What existing evidence (either presumed or otherwise) do you have for this?	
15. Is there any likelihood the activity could have a differential impact on people due to Marriage or Civil partnership?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling within the scope of the Licensing Act 2003 and achieve the aim of the policy. No impact.
What existing evidence (either presumed or otherwise) do you have for this?	
16. Is there any likelihood the policy could have a differential impact on people due to them being Transgender or Transsexual?	No This policy and its associated appendices are driven by the requirement to respond appropriately and effectively to all matters falling within the scope of the Licensing Act 2003 and achieve the aim of the policy. No impact.
What existing evidence (either presumed or otherwise) do you have for this?	
17. If a differential impact has been identified in 8-16, will this amount to there being the potential for an adverse impact in this policy?	No

	The differential impact is highlighted part of this process as children must be treated differently as part of safeguarding but that will come as no surprise and there will be no challenge so will have no adverse impact upon this policy.
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	No Not relevant
19. If Yes, is there enough evidence to proceed to a full EIA?	No
20. Date on which Full impact assessment to be completed by.	

Signed (completing officer): Sgt Amy Adams

Signed (Lead officer):

Groups affected

Please identify the anticipated impact this activity will have on the following population groups.

- Tick the appropriate box and give explanation if so required,
- Please note that there are both likely benefits and adverse impact within the same group
- Any groups highlighted as likely to be adversely affected should be consulted in the second stage Full Impact Assessment if one has been identified as being needed.

	Likely to Benefit	No Impact	Adverse Impact
Disability: Physical, Sensory, Learning Disability, Mental Health, Carers	☐	☒	☐
Gender: Male, Female	☐	☒	☐
Transgender	☐	☒	☐
Race: Traveller and Gypsy etc	☐	☒	☐
Sexual Orientation: Lesbian, Gay, Bisexual	☐	☒	☐
Religion and Belief	☐	☒	☐
Age: Young and Old	☐	☒	☐
Marriage and Civil Partnerships	☐	☒	☐