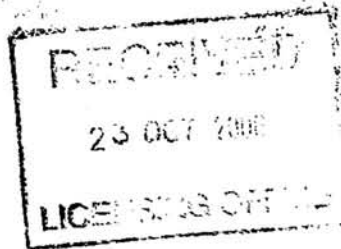


APPENDIX D

FRIARS QUAY RESIDENTS' ASSOCIATION

Ian Streeter  
Norwich City Council  
Licensing Section  
City Hall  
St. Peter Street  
Norwich  
NR2 1NH



October 23, 2008

Your Ref: 08/01831/PREM

Re: **St. George's Street Norwich - Licensing Act 2003 Premises Licence - New**

Dear Mr. Streeter,

On behalf of the Association, I wish to place on record that we would be opposed to the above application on grounds of public nuisance if it were to be approved without certain conditions being met.

However, after a meeting with Helen Selleck of the Events Team, we have been assured that the application is to be amended to include the following provisions:

Evening/night events will be limited to 12 per year;

Events on School nights (Sunday to Thursday) will finish at 22.00 hrs, including clear-up time (excepting Bank Holiday Sundays).

Friars Quay Residents' Association will be informed for consultation two weeks in advance of major events.

The Association will not, therefore, oppose the application if these provisions are written into the application. We would, however, oppose an application which does not contain all of these provisions.

Yours faithfully,

John Cranston, vice-chairman FQRA  
19 Friars Quay  
Norwich NR3 1ES

HARD COPY OF EMAIL ALREADY SENT.  
SORRY ABOUT THE BLUE TEXT. PRINTER PROBLEM!

# **John W. Spinks**

37 Friars Quay, Norwich, Norfolk NR3 1ES  
Tel: +44 (0)1603 212760 Email: [john.w.spinks@norwich.gov.uk](mailto:john.w.spinks@norwich.gov.uk)

Ian Streeter  
Norwich City Council  
Licensing Section  
City Hall  
St. Peter Street  
Norwich  
NR2 1NH

Tel: 01603 212761/212760  
Email: [licensing@norwich.gov.uk](mailto:licensing@norwich.gov.uk)

24/10/2008

Your Ref: 08/01831/PREM

Re: **St. George's Street Norwich - Licensing Act 2003 Premises Licence - New**

Dear Mr. Streeter,

following my letter dated 20/10/2008 on this same matter and discussions we have had with Helen Selleck I would be prepared to accept a revised application as per the attached draft application.

However I still have reservations which are essentially the same as my previous letter and reserve the right to take action at a future date if so required.

On a more general note the well received redevelopment of St. George's Street has created issues itself, as a development of this scale is bound to, some of these issues have nothing to do with licensing but some do. I sincerely hope that when the time comes to discuss these issues that we can have as constructive a dialogue as we have had about this subject.

Yours sincerely,

John W. Spinks

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

Licensed activities will comply with guidance and legislation regarding Health and Safety and event management. Risk assessments will be drawn up for each activity. Plans have been drawn up for each street to identify the type of activity that can be programmed on each area and the maximum numbers the areas can accommodate.

No more than 24 days per calendar year are to host events against this license.

On no more than 12 days per calendar year will the event finishing time be after 19:00.

No event finishing after 19:00 will last longer than 2 consecutive days.

18 calendar days must elapse between events finishing after 19:00.

All timings are inclusive of set up, set down & clear-up times.

On Bank Holiday Sundays 1 hour is to be added to the finishing time.

The Friars Quay Resident's Association Chair is to be informed by the event organiser for consultation at least two weeks in advance of events.

The events staged in the area should at all times recognize and respect the residential nature of the area.

**b) The prevention of crime and disorder**

1. The licence holder will give the Police a minimum of 10 working days notice of any regulated entertainment. The notice will stipulate the licensable activities proposed together with the location(s) time(s) and date(s) they are proposed to take place. This applies where the licensable activities are to take place in a defined area and the premises user intends to restrict the number of people present in the defined area at any one time to less than 500.

Where the licence holder itself has less than 10 days notice of such an entertainment it shall immediately give such notice to the Police.

2. In the case of all other events involving regulated entertainment the licence holder must give the Police a minimum of 28 days notice stipulating the licensable activities proposed together with the location(s) time(s) and date(s) they are proposed to take place.

3. The licence holder must consult with the police before permitting or facilitating any events involving regulated entertainment.

4. In response to such a consultation as is referred to in paragraph 3 above, the Police may make a recommendation to the licence holder that :

A. The event takes place but with requirements, restrictions or limitations considered to be necessary by the Police to promote the crime and disorder and / or public safety licensing objectives.

B. The event does not take place in the interests of the promotion of the crime and disorder and / or public safety licensing objectives.

If the licence holder disagrees with the Police recommendations then the matter shall be referred without delay to a District Superintendent and the Chief Executive of the licence holder and they shall consider the matter and decide jointly whether or not the event should take place and, if so, the requirements, restrictions or limitations necessary to promote the crime and disorder and / or public safety licensing objectives.

**Fuller, Maxine**

---

**From:** Gerry Downes [mailto:Gerry.Downes@fjra.gov.uk]  
**Sent:** 23 October 2008 18:22  
**To:** Licensing  
**Subject:** Licence Application St Georges Street and Park

Dear Ian Streeter,

I would like to assert my support of the revised Application as above, agreed between John Spinks and the Friars Quay Residents Committee and Helen Selleck of the Events Team.

G. H. Downes (Secretary FQRA)  
32 Friars Quay,  
Norwich,  
NR3 1ES

38, Friars Quay, NRG IES. 23 October '08

supplementary reply to your Licence Application ref 08/01831/PREM

38 Friars Quay fronts onto the green space in front of the Playhouse which we assume is to be called 'St Georges Park'!

Originally we actively supported the application promoting a wide range of events in this space.

However for the last month there has been extreme and rowdy behaviour on most evenings in the park, and especially in the childrens playspace, by up to thirty teenagers and young adults. This is so extreme that confident, street wise, middle aged residents are unwilling to approach their houses from St Georges St, some elderly residents are even more intimidated. It is of course a problem for those with bedrooms on that side of the house and even a 'public nuisance' in living rooms on the other side - it often continues till 12PM.

We appreciate that the activities for which a licence is sought are quite different but because at present it seems impossible for police and others to prevent this mayhem we decided we would have to, reluctantly, object to the licence.

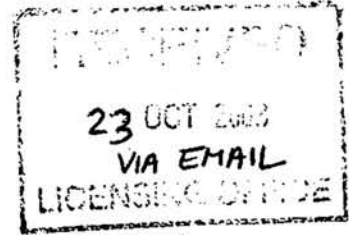
Fortunately on the 21st Helen Selleck, your Events Manager, met the Friars Quay Committee.

Whilst on paper the terms of the licence remain sometimes absurd (a 'capacity' of 5,750 for St Georges St + the park is given, in letters less than 1mm high) we accept her assurance that the number on the park would not exceed 1000 including those on the space in front of the Playhouse. We were also assured that designated residents will be able to speak on the phone directly to the 'Event Warden' during an event. This would help resolve problems quickly, if they arise.

With this and a number of other matters clarified I am personally happy to trust Ms Selleck to run these events well and I'm now happy to support your Application.

Norwich City Council Licensing Authority  
Licensing Act 2003

Statement of support or objection to  
an application for a premises licence



Your name/organisation name/name of body you represent (see note 1)	Chris Summerfield. Senior Lecturer in Fine Art, Norwich University College of the Arts
Postal address	Francis House, 3-7 Redwell Street, Norwich NR2 4SN
Email address	Chris.Summerfield@nuc.ac.uk
Contact telephone number	01603 710000

Name of the premises you wish to support or object to	Norwich City Council Events-St. Georges Street Ice Sculpture Festival
Address of the premises you wish to support or object to.	Norwich City Council Events-St. Georges Street Ice Sculpture Festival

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	
Public safety	I fully support the application for a licence. Full risk assessments have taken place, and related Health and Safety procedures
To prevent public nuisance	
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	
--	--

Signed: C.Summerfield

Date: 23.10.08

Please see notes on reverse

To pre

100

**Norwich City Council Licensing Authority  
Licensing Act 2003**

**Statement of support or objection to  
an application for a premises licence**

Your name/organisation name/name of body you represent (see note 1)	Norwich Playhouse
Postal address	42 – 58 St George's Street Norwich NR3 1AB
Email address	
Contact telephone number	01603

Name of the premises you wish to support or object to	St George's Street St George's Park St Andrew's Plain
Address of the premises you wish to support or object to.	NR3

**Your support or objection must relate to one of the four Licensing Objectives (see note 2)**

<b>Licensing Objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Support No additional risk identified and much public pleasure will be made possible in these lovely new open spaces
<b>Public safety</b>	Support Council events are always well run and risk assessed. The spaces are well designed. No additional risk identified
<b>To prevent public nuisance</b>	Support Outdoor events are always well staffed and spaces are large and open. No additional risk identified.
<b>To protect children from harm</b>	Support Outdoor events will almost always include children and families which gives a lot of pleasure and entertainment. Events are always well managed so no additional risk identified.

<b>Please suggest any conditions which would alleviate your concerns.</b>	I think that granting this licence will allow great cultural benefits for the citizens of Norwich and the surrounding areas.
---	--

Signed: Caroline Richardson

Date: 17.10.08.

**Please see notes on reverse**

# APPENDIX E

## Local Policy considerations

- 1.0 Introduction
- 1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm
- 1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 2.0 Consultation and Links to other Policies and Strategies
- 2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that mat duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.
- 3.0 Applications for Licences
- 3.1 To assess applications for premises licences, the council must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. **Bold type** refers to matters that the council expects to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in **bold type** are provided to assist applicants to understand what the council is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome. Guidance notes for applicants will be available.
- 3.2 **Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.**



- 3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.**
- 3.5 The Council will not accept any application that is incomplete or fails to satisfy the requirements of the Act or the regulations. Incomplete applications will be returned with an explanation of why it is incomplete.**
- 4.0 Representations
- 4.1 "Responsible Authorities" will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered.
- 4.2 The Council will consider all representations from any "Interested Party" (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation will only be accepted by the Council if it is 'relevant', in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, which are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.
- 5.0 Conditions attaching to Licences
- 5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary for the promotion of the licensing objectives.

## 8.0 The Impact of Licensed Premises

8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:

- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- the frequency of the licensable activity.

With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed.

## 13.0 Management of Licensed Premises

**13.2 There must be proper management arrangements in place in all licensed premises, whether or not alcohol is sold or not, which will ensure there is an appropriate number of responsible, trained/instructed persons at the premises to provide the proper management of the premises, the activities taking place and compliance with all statutory responsibilities and the terms and conditions of the premises licence.**

## LICENSING OBJECTIVES

### 21.0 Objective - Prevention of Crime and Disorder

- 21.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 21.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent**

**crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.**

21.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Keeping illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.
- Preventing disorderly and potentially violent behaviour on and outside the
- premises.
- Reducing Anti-social behaviour and Disorder inside and outside the
- premises
- Litter
- Unauthorised advertising
- Protecting people and property from theft, vandalism and assault
- Guard against glasses and bottles being used as weapons or causing accidents.

21.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or licensable activities:

- Effective and responsible management of premises
- Training and supervision of staff
- Employ sufficient numbers of staff to keep numbers down of people awaiting service
- Provide sufficient seating for customers
- Patrols of staff around the premises
- Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity.
- Introduce an entry policy – making people aware of it – and apply it consistently and fairly
- Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises
- Implement effective management of entrance queues – incorporating barriers if necessary
- Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA

- Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports
- Provision of effective CCTV in and around premises
- Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder
- Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up.
- Provision of toughened or plastic drinking vessels and bottles
- Provision of 'bottle bins' inside the premises and near exits.
- Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's
- Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs.
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise.
- Responsible advertising
- Distribution of promotional leaflets, posters etc.
- Drug Seizure Kits (available from Norfolk Police Operation Enterprise)
- Member of the 'NiteLink' radio scheme
- Working in partnership with the SOS Bus scheme
- Ban known offenders and share information with other licensed premises in the area
- Implement a dispersal policy
- Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish

### 23.0 Objective - Public Safety

- 23.1 The safety of any person visiting or working in licensed premises must not be compromised. **Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.**
- 23.2 The occupancy capacity for premises, and events, is also considered to be an essential factor in the achievement of Public Safety (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **Applicants should address the issue of occupancy capacity, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule and on the opinion of the Responsible Authorities.**
- 23.3 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances.

Applicants must consider other factors when assessing the appropriate capacity for premises or events. These include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

23.4 Also when addressing the issue of public safety, an applicant must demonstrate that they have considered other public safety issues. These include:

- the age, design and layout of the premises, including means of escape in the event of fire
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- the safety of electrically powered equipment brought onto their premises
- having Public Liability Insurance

23.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Effective management of number of patrons within different parts of the premises
- Determine sensible occupancy limits according to the nature of the premises and activities being carried out.
- Impose occupancy limits rigorously, employing registered doorstaff as necessary. In order to manage occupancy effectively, consider automated systems like electronic door counters.
- Appropriate instruction, training and supervision of those

employed or engaged to secure the safety of the premises and patrons

- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk Fire Service on 01603 810351 [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk))
- The Event Safety Guide, Safety in Pubs published by the BBPA)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- The provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers, microphones etc). Such cut-outs should be of a residual current device with a rated tripping current of 30ma in 30 milliseconds. (Applicants should have regard to HSE publication INDG 24 7 Electrical safety for entertainers.)
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

#### 25.0 Objective - Prevention of Public Nuisance

- 25.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.
- 25.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
  - the hours of opening, particularly between 23.00 and 07.00
  - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
  - the design and layout of premises and in particular the presence of noise limiting features
  - the occupancy capacity of the premises
  - the availability of public transport
  - 'wind down period' between the end of the licensable activities and closure of the premises
  - last admission time
  - Preventing litter and refuse becoming an eyesore
  - Consideration of local residents that they are not upset by loud or persistent noise or by excessive light.

- Preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces.
- Avoid early morning or late night refuse collections
- Avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

25.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Fit prominent signs requesting that customers respect local residents and leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries i.e not too early in the morning
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for Fast Food Outlets
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving
- Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish.

## **27.0 Objective - Protection of Children from Harm**

- 27.1 The Council will consult with the appropriate Area Child Protection Committee for consideration of all applications for licences.
- 27.2 With a view to the promotion of the licensing objective relating to the 'Protection of Children from Harm' the Council will work closely with the Police and Trading Standards Authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children.

(For Minor Sales Major Consequences information please contact Trading Standards on 0844 800 8013 trading.standards@norfolk.gov.uk)

- 27.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.
- 27.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 27.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving for example; topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The Council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in Section A, paragraph 16.
- 27.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.**
- 27.7 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:
- where entertainment or services of an adult or sexual nature are commonly or regularly provided
  - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - where there has been a known association with drug taking or dealing
  - where there is a strong element of gambling on the premises, and
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.



- 27.8 The Council commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The Council will expect all licensees to agree not to replenish their stocks following notification of a Retailer Alert Bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that Code should be included in Operating Schedules.**
- 27.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises
  - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
  - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
  - Adoption of best practice guidance (e.g. Minor Sales Major Consequences)
  - Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
  - Limitations on the hours when children may be present, in all or parts of the premises
  - Limitations or exclusions by age when certain activities are taking place
  - Imposition of requirements for children to be accompanied by an adult
  - Train staff to deal with – and be vigilant about – potentially harmful situations, e.g. children in the presence of adults who are excessively drunk
  - Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs, or passports
  - Measures to ensure children do not purchase, acquire or consume alcohol
  - Measures to ensure children are not exposed to incidences of violence or disorder

These examples can be adopted in any combination.

- 27.10 **In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the licensee should conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**
- 27.11 In premises where there may be children unaccompanied by adults any supervisors must have undergone appropriate checks through the Criminal Records Bureau.

## **SECTION E - Hours of Trading**

31.5 The policy options which will be applied to applications for premises licences where the sale or supply of alcohol for consumption on the premises is proposed, are as follows:

- a) **The Council will consider restricting the hours if it believes, on the basis of representations made, that not doing so would lead to or exacerbate problems of crime, disorder or public nuisance.**
- b) Where no relevant representations are received from either a responsible body or an interested party, the application will be granted in accordance with the terms of the operating schedule.
- c) Where relevant representations are received from either a responsible body or an interested party, and those representations relate to the hours of trading then subject to (a) above, the Council will consider restricting the hours in relation to any of the licensable activities for which a licence is being sought, provided it is considered necessary to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The Council may impose different restrictions on hours for different licensable activities and for different days of the week.

# APPENDIX F

## National Guidance (issued under section 182 of the Licensing Act 2003)

### Where representations are made

- 9.4 "It is for the licensing authority to decide in the first instance whether or not representations are relevant. This may involve determining whether they have been made by an interested party and whether or not, for example, an individual making a representation resides or is involved in business "in the vicinity" of the premises concerned..."
- 9.5 "...licensing authorities should consider whether the individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises."

### Fundamental Principles

- 13.16 "...licensing is about regulating licensable activities on licensed premises...and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity."
- 13.17 "...whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case."
- 13.18 "...licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises."
- 13.20 "...statements of policy should make it clear that a key concept underscoring the 2003 Act is for conditions to be tailored to the specific premises concerned. This effectively rules out standardised conditions...However, it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions which applicants and others may draw on as appropriate."

### Licensing Hours

- 13.40 "...in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance."
- 13.41 "...the Government wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time economies".

13.41 "...providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."