

# NORWICH CITY COUNCIL

## Report for Resolution

**Report to** Regulatory Committee

16 June 2009

7

**Report of** Head of Legal & Democratic Services  
**Subject** Application for licence to place tables and chairs  
on the highway – Orgasmic Café 6 Queen  
Street Norwich

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### **Purpose**

To ask Members to determine an application to place tables and chairs on the highway.

### **Recommendations**

That Members determine the application to place tables and chairs on the highway submitted in respect of Orgasmic Café 6 Queen Street Norwich.

### **Financial Consequences**

The financial consequences of this report are nil.

### **Corporate Objective/Service Plan Priority**

The provision of outdoor refreshment facilities can enhance the character and vitality of an area and contribute to Norwich as a vibrant city of culture.

### **Contact Officers**

Ian Streeter

Phone No  
212439

### **Background Documents**

## **Background**

1. Section 115E of the Highways Act 1980 (The Act) provides for a council to grant a person permission to use objects or structures on certain categories of highway for a purpose which will result in the production of income.
2. The Act also provides for a council to attach such conditions as they think fit to a permission granted under Section 115E. The council has adopted standard conditions in respect of permissions to use objects or structures on the highway and these are attached at Appendix A of the report.
3. The Act gives councils a wide discretion to determine such applications and to impose conditions. Each case must be considered on its own merits with due weight being given to relevant considerations only. Existing policies or guidelines should not be applied so rigidly that an exercise of discretion in each individual case is precluded. Accordingly, the adopted standard conditions could be added to or amended depending on the circumstances of each individual application.

## **The Application**

4. An application to place up to 15 tables and 56 chairs on the highway has been received from Laura Knight in respect of an area outside Orgasmic Café 6 Queen Street Norwich. An extract from the application together with a location plan and accompanying photograph are attached at Appendix B to the report.
5. The requested times and dates of use are between 11:00 to 00:00 everyday of the year.

## **Existing permission**

6. There is currently an existing permission in place which allows a maximum of 6 tables and 24 chairs to be placed outside Orgasmic Café, the layout being identical to that shown in the plan at Appendix B for the lesser number of tables and chairs contained in the current application.
7. The timings for the current permission are 11.00 to 16.00 and 19.00 to 23.00 everyday of the year.
8. In addition to the standard conditions, the existing permission has attached to it an additional condition which reads:

*“The area shall not extend beyond a width of 2.1 metres and a length of 8.5 metres so as not to obstruct the exit of the adjoining property”*

This condition was attached to the permission at the meeting of the Regulatory Committee on 20 June 2006 when members considered a previous application. It appears from the report that the condition arose following a representation from the Norfolk Fires Service.

## **Consultation**

9. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street and in Chatterbox. The City Centre Residents Forum and the Norwich Access Group have also been notified of the application.
10. Details of the application have also been forwarded to the Norfolk Constabulary, Norfolk Fire Service and the City Council's Planning, Transportation, Health and Safety and Pollution Control sections for comment.
11. Comments received from Norfolk Constabulary and Norfolk Fire Service (Appendix C), the Transportation & Landscape Department (Appendix D), Food Safety Team (Appendix E) and Norwich Access Group (Appendix F) are attached to the report at the relevant appendices.
12. Responses from the Central Norwich Citizen's Forum, a local business and a member of the public who is registered blind have been received and are attached at Appendix G of the report.

## **Licensing Act 2003**

13. Orgasmic Café holds a premises licence under the Licensing Act 2003 that permits the retail sale of alcohol between the hours of 07:00 – 02:00 every day. The licence also permits the supply of alcohol for consumption both off and on the premises. The conditions consistent with the Operating Schedule in respect of the premises licence held by Orgasmic are attached at Appendix H.
14. The area to which the premises licence relates is within the property boundary of Orgasmic itself, so no retail sale of alcohol could take place outside this area without the existing licence being varied. However, consumption of alcohol can take place outside the premises without the need to vary the existing licence, as consumption of alcohol is not a licensable activity under the Licensing Act 2003.
15. The Licensing Act 2003 provides for a person living or working in the vicinity of a licensed premises to apply for a review of the licence, if the grounds for the review relates to one of the licensing objectives, that is:-
  - Prevention of Crime and Disorder
  - Promotion of Public Safety
  - Prevention of Public Nuisance
  - Protection of Children From Harm

# APPENDIX A

## Tables and Chairs Licence – Standard Conditions

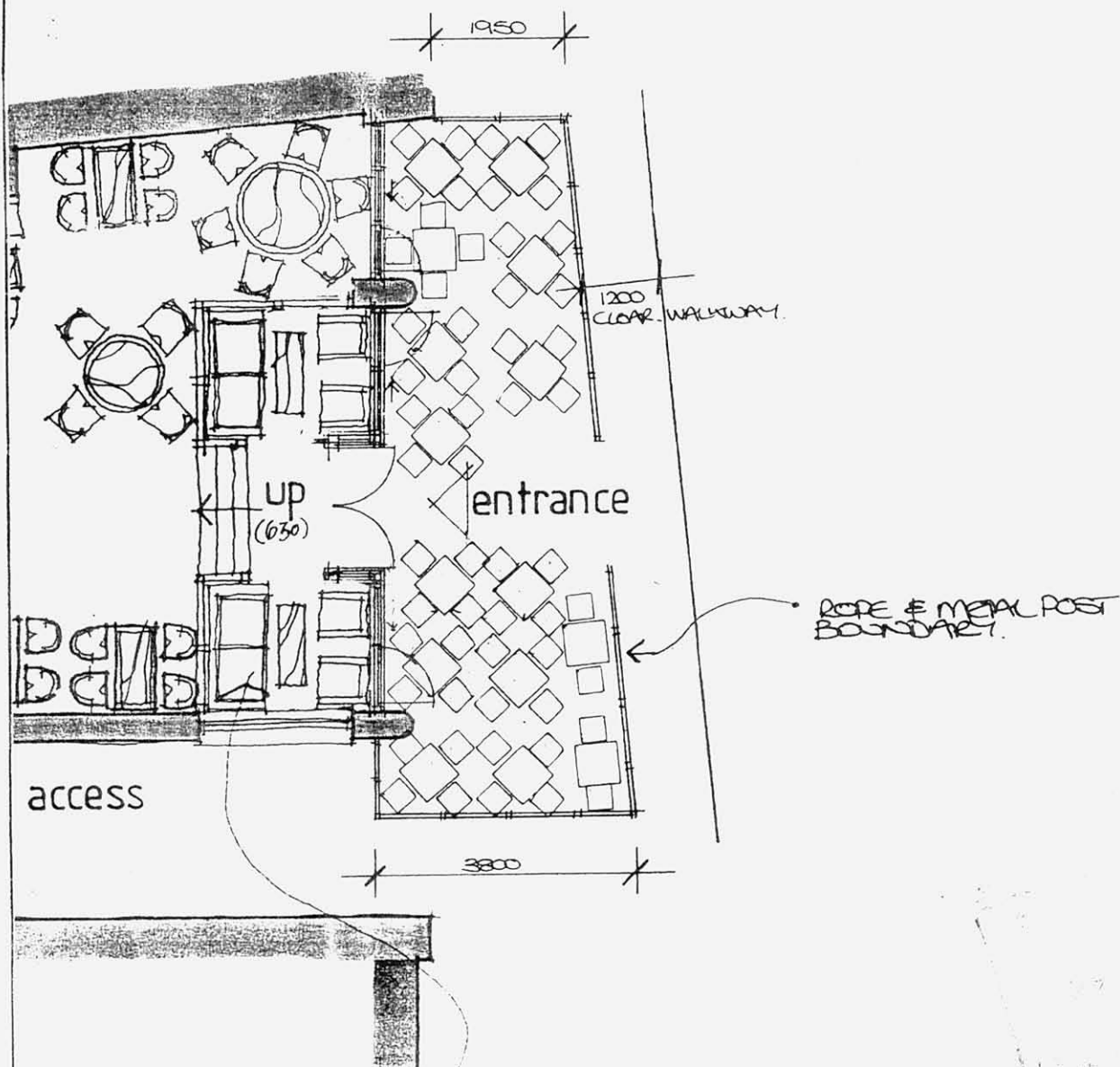
- 1 The Council's reasonable expenses in connection with the granting of this permission shall have been paid and the annual fee starting with the date of this permission shall have been paid before the permission is first exercised.
- 2 The Licensee shall indemnify the Council against any claim whatsoever, in respect of injury, damage or loss arising out of the grant of this permission other than injury, damage or loss which is attributable to the negligence of the Council.
- 3 The objects or structures shall be placed only on the licensed area and on no other part of the public highway.
- 4 The objects or structures shall be used only for the purposes stated above and only in connection with the premises.
- 5 The objects or structures shall be removed from the public highway forthwith upon the direction of a Police Constable in uniform or a Traffic Warden.
- 6 The objects or structures shall be removed from the public highway forthwith to enable the passage of any emergency service vehicles or any vehicle engaged on the repair or maintenance of the public highway or apparatus within the public highway or any other vehicle authorised by the Council to proceed on the public highway.
- 7 Permission for the tables and chairs is granted from **(time of day/month of year)** to **(time of day/month of year)** (subject to earlier termination under clause 13).
- 8 No amplified music or live music shall take place on the licensed area.
- 9 The tables and chairs, the subject of this Licence, shall be removed from the licensed area each day outside of the licence period.
- 10 The Licensee shall ensure that the licensed area is mainly enclosed by a barrier that is in keeping with the visual appearance of the area, not less than 800mm high and with no more than 150mm between the base rail and the ground, or other design as previously agreed in writing by the Council. Neither the barrier nor other furniture should carry strident advertising that goes beyond the purpose of discreetly identifying that the pavement cafe is associated with a particular business.
- 11 The Licensee undertakes to ensure that the licensed area is closely monitored and kept clean and tidy at all times.

- 12 No alteration to the highway surface shall be permitted to be carried out by the Licensee in implementing this Licence
- 13 The Council may, by service of a notice in writing on the Licensee or owner of the premises, withdraw the Licence forthwith:-
  - (a) in an emergency or in the event that the Council considers the exercise of the Licence causes a substantial and unreasonable obstruction of the right of the public to pass or re-pass on the public highway,
  - (b) if any condition of this permission is broken,
  - (c) if the Council considers it to be necessary in connection with the exercise of any of its functions or the functions of any statutory undertaker or public utility,
  - (d) for any other reasonable cause.
- 14 The Licensee shall inform the Council's Head of Legal and Democratic Services in writing of any change in the owner or occupier of the premises within one month of that change.
- 15 This permission is for tables and chairs and barriers only. No other items, for example space heaters, are permitted by this licence.

Part Two

# APPENDIX B

Please provide a plan showing the exact location and dimensions of the area to be licensed and where furniture to be placed within area.			
No of Chairs		24 chairs minimum up to 56 maximum	
No of Tables		6 tables minimum up to 15	
Times/Dates Required		<p>11.00am – midnight daily</p> <p>Further to a conversation with the Highways dept they indicated they would be happy to support an application to leave tables and chairs out all day as long as there could be a 5 metre width for traffic to pass.</p> <p>Our revised plan shows there is ample space to achieve this. If you take the mid point of the road as your centre, the road measures 3.5m in width and a further .750m either side of the road achieves the requisite distance.</p>	
Description of Street Furniture & Barriers (please enclose photo/drawing/brochure) Any other furniture (e.g. umbrellas etc)		<p>See pictures below</p> <p>Metal/chrome stacking chair</p> <p>Wood top table 800ml square</p> <p>Chrome poles and black ropes/green/black wind breakers</p>	
Purpose of Tables and Chairs		To enable customers to sit in the sun/be outside and enjoy a meal & drink	
Signed	Laura Knight.	Date	April 20 <sup>th</sup> 09
Please include a copy of your public liability insurance showing a minimum limit of indemnity of £5,000,000 and a completed copy of the Norwich City Council's Public/Employer's Insurance Questionnaire.			



Job Title

**Orgasmic, Norwich**

Client

**Knightlife Ltd**

Drawing Title

**Proposed pavement licensing**

Drg. No.

**135 / 00 / 120**

Rev

**A**

Date

**22/5**

Scale

**1: 100**

Drawn

**GP**

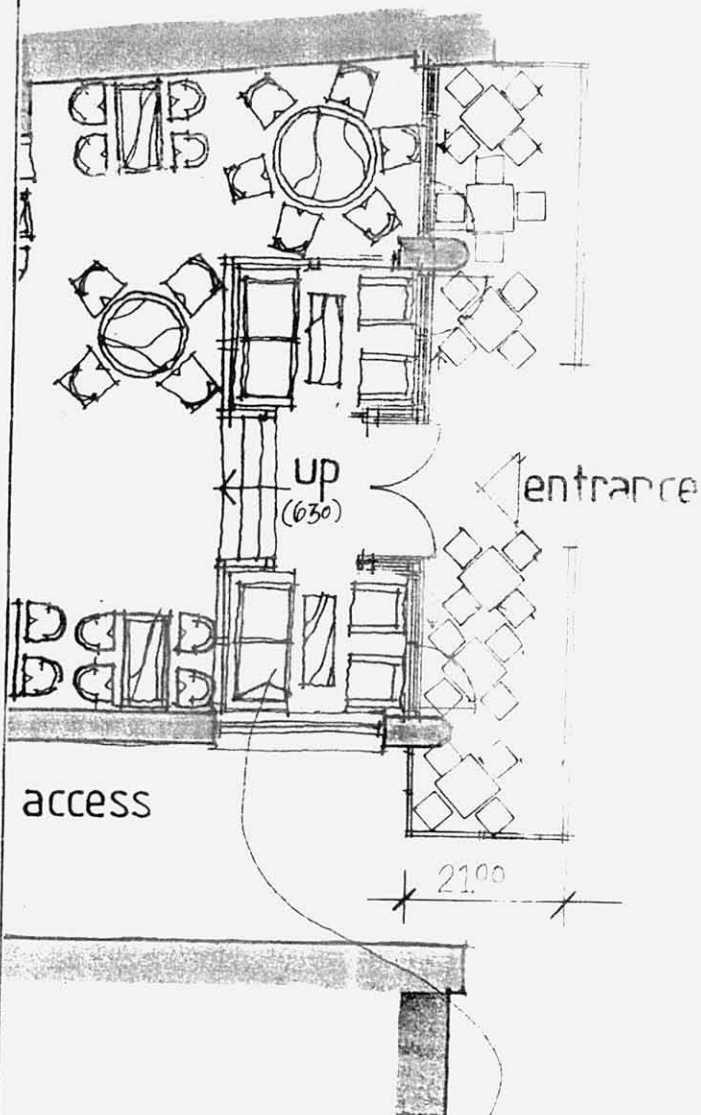
**focus design**  
Ltd

29 Staple Gardens Winchester  
Hants SO23 8SR

Tel 01962 85 00 00

Fax 01962 85 00 11

Email postmaster@focus-design.co.uk



ROPE & METAL POST  
BOUNDARY

Job Title

**Orgasmic, Norwich**

Client

**Knightlife Ltd**

Drawing Title

**Proposed pavement licensing**

Drg. No.

**135 / 00 / 120**

Rev

*B*

Date

**22/5**

Scale

**1: 100**

Drawn

**GP**

**focus design**

Ltd

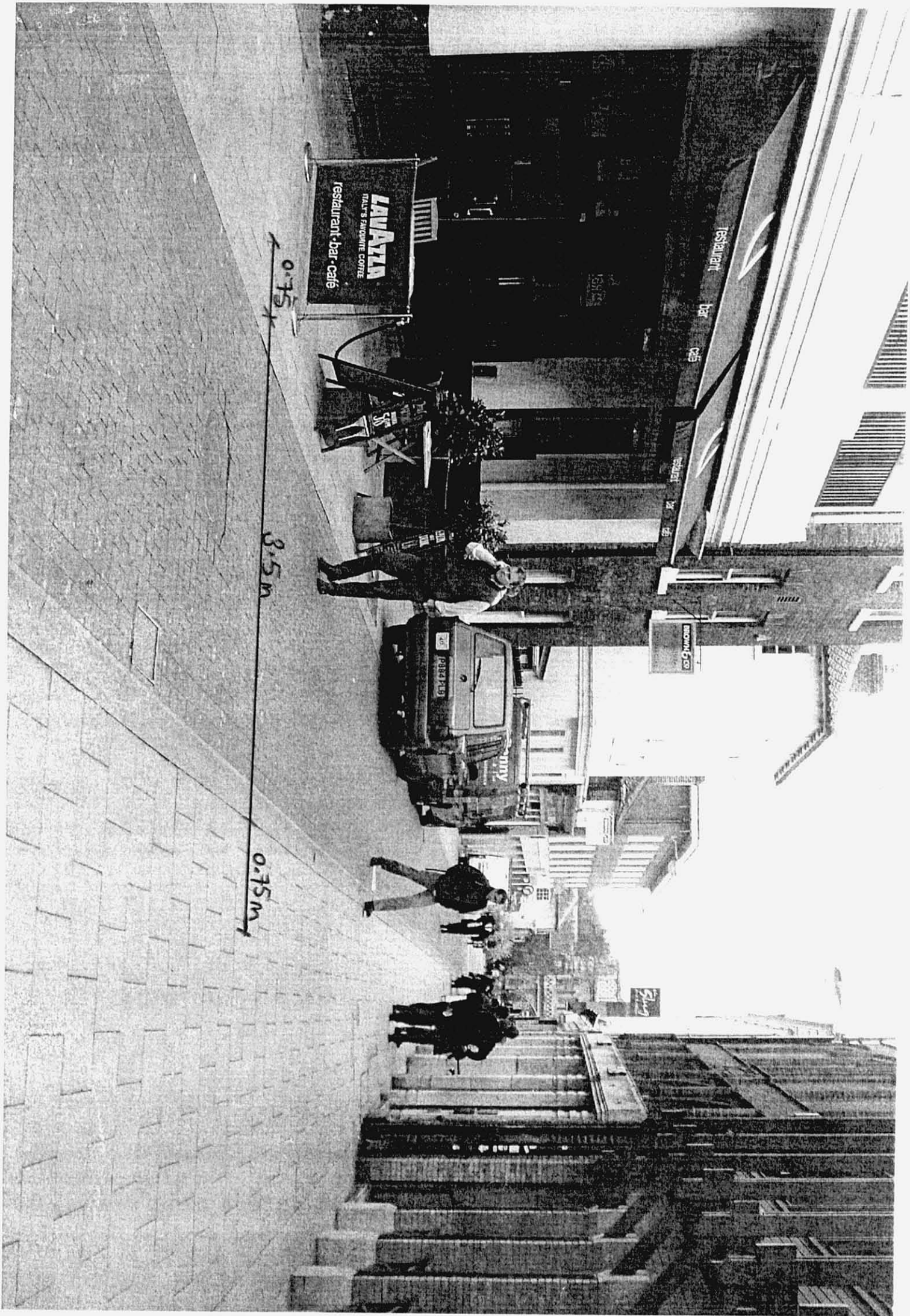
29 Staple Gardens Winchester  
Hants SO23 8SR

Tel 01962 85 00 00

Fax 01962 85 00 11


Email postmaster@focus-design.co.uk





**From:** Page, Colin [PageC@norfolk.pnn.police.uk]  
**Sent:** 06 May 2009 10:23  
**To:** Licensing  
**Subject:** Orgasmic Cafe

I refer to your letter dated 1<sup>st</sup> May 2009, regarding an application by the Orgasmic Café, in Queen Street, to place tables and chairs outside their premises, and have to inform you that the police have no objections to the proposals. Sufficient room must be left at all times to allow the passage of emergency vehicles.

 It takes 24 trees to produce 1 ton of office paper!  
Think... is it really necessary to print this email?

[Go here to view Norfolk Constabulary Disclaimer](#)

[illegible]

06/05/2009

**Fuller, Maxine**

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**From:** Bartram, Michelle [bartramm@norfolk.pnn.police.uk]  
**Sent:** 27 May 2009 15:57  
**To:** Licensing  
**Subject:** Tables and Chairs - Orgasmic

Hello Licensing

I can confirm that we have received an application for Table and Chairs for Orgasmic, Queen Street.

There are no Police objections to this

Regards

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F.

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**Michelle Bartram**  
Licensing Officer

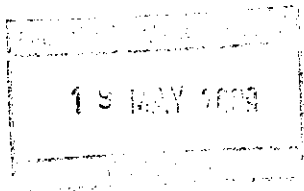
Licensing

CDU Department  
Norfolk Constabulary  
Bethel Street Police Station

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)

27/05/2009



Mr I Streeter – Senior Licensing Officer

Licensing

Legal and Democratic Services

Norwich City Council

City Hall

St Peters Street

Norwich

NR2 1NH

Please ask for:

Direct Dial:

Email:

My Ref:

Your Ref:

Mr Allison

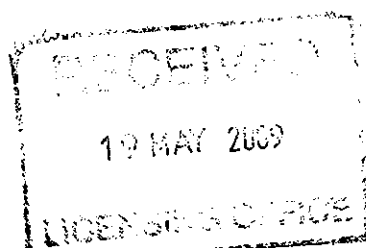
01603 229036

[tim.allison@fire.norfolk.gov.uk](mailto:tim.allison@fire.norfolk.gov.uk)

NC5004 / 00011711

18 May 2009

Dear Sir,



**Premises: Orgasmic, Old Bank Of England Court, Queen Street, Norwich, NR2 4SX**

I acknowledge receipt of the application for the above premises for a Tables and Chairs Licence.

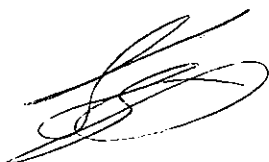
This Authority has no objection to the application, provided that the total area used is restricted as follows:-

The outer boundary barriers should be placed no further than the nearest drain gully away from the building at any time, thereby leaving the roadway clear for access by our appliances at all times.

This was discussed with the premises Manager, Chris Sheehy, on Friday 15<sup>th</sup> May 2009 and agreed on site.

Should you require any further information please do not hesitate to contact me.

Yours faithfully



Mr Allison  
Fire Safety Advisor



# NORWICH City Council

# APPENDIX D

## memorandum

To: Maxine Fuller  
From: Kieran Yates  
Date: 22<sup>nd</sup> May 09

Your ref: 6 Queen Street  
Our ref:  
cc:

**Subject:** Orgasmic Café, 6 Queen Street

### Proposal:

Tables and chairs placed on highway 11am and Midnight daily  
Minimum of 6 tables (15 people), Maximum 24 tables (56 people)

### Comments

Queen Street is a mixed use city centre street with a shared surface (no kerb edge) treatment which is intended to facilitate slower speeds and pedestrian/cycle priority. It is part of the Sustrans national route 1 that bisects the city centre.

It has the following restrictions:

- One way to vehicular traffic from Redwell Street to Tombland with the exception of pedal cycles
- 20mph speed limit
- No waiting at any time (equivalent to a double yellow line)
- No Vehicles 7pm-midnight and midnight-3am and 11am-4pm
- Loading permitted at other times (3am – 11am and 4pm till 7pm)
- No right turn at Tombland

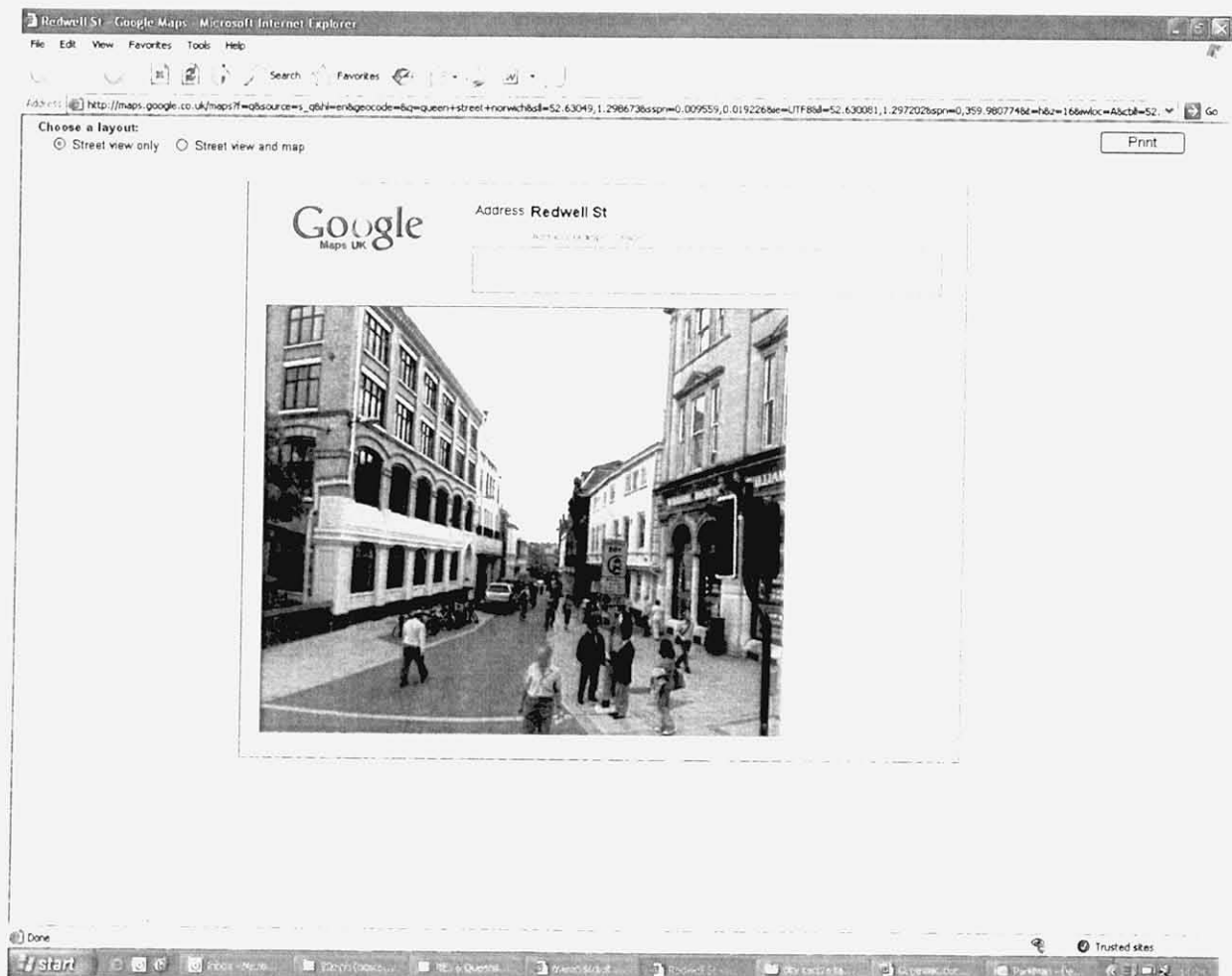
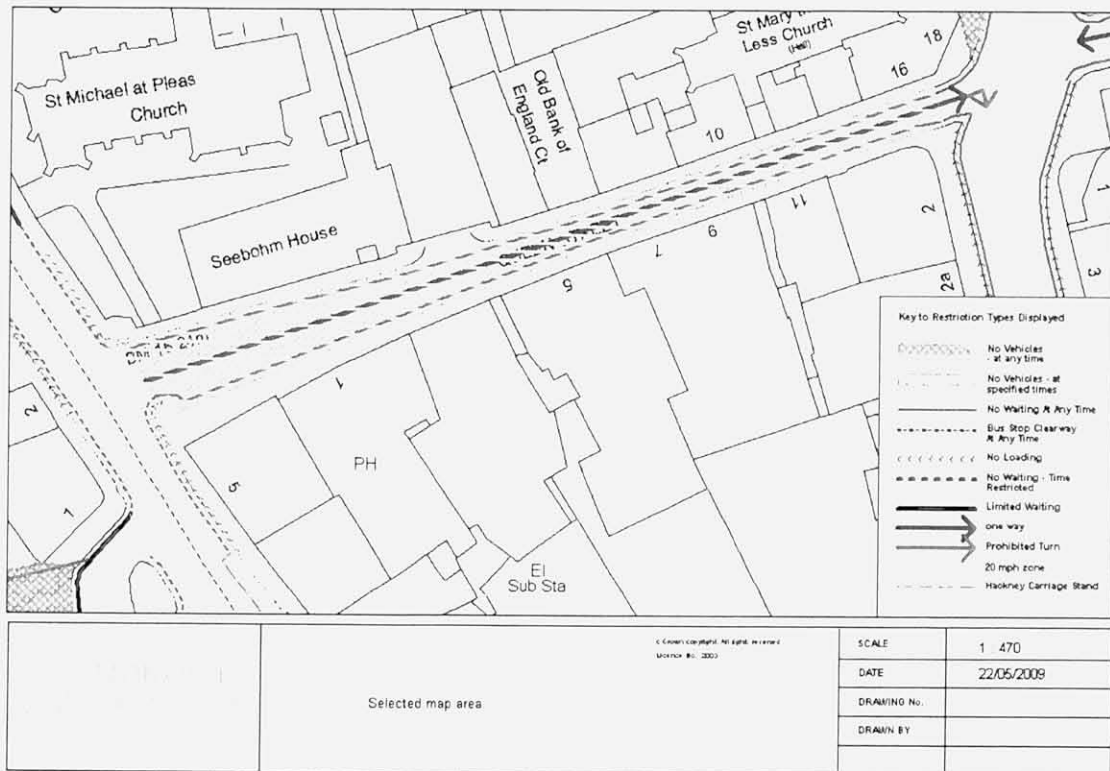
The effect of the access restrictions is intended to promote pedestrian priority

The bar opposite (Indulge) also has tables and chairs extending across the highway. There are high numbers of pedestrians and cyclists using Queen Street through the day and evening.

### Recommendations:

- No objections on transportation grounds to any proposal that leaves at least .75 m between the barrier and the gutter to allow pedestrians space to move out of the way of vans and cycles

K Yates  
Transportation





NORWICH  
City Council

APPENDIX  
E



NORWICH  
City Council

MEMO to:  
Maxime Fuller  
Licensing

Dear Maxime

**Re Tables and Chairs License for Orgasmic Queens St**

I have reviewed the application for the Tables and Chairs Licence and have the following comments:

- the placing of the 15 tables and the 56 chairs reduces the access to/ from the main entrance and may interfere with safe evacuation of the premises in case of emergency
- positioning 15 tables and 56 chairs in this area is clearly overcrowding the area and may impact on Health and Safety of customers and staff in terms of increased aggravation increasing the risks of "violence at work"; increased chance of trips; increased chance of spills of hot liquids
- positioning 15 tables and 56 chairs in this area makes no provision for mothers with pushchairs or for persons with disabilities.
- the increase in area may impact on pedestrians, we have had a previous complaint of a blind person falling due to the current seating area (presumably this has been reviewed by highways).
- The attached photo shows the use of planters and A boards restricting the remaining footpath further than the barriered seating area – should a requirement be that these items be within the barriered area.



NORWICH  
City Council

- Queens St is still a road and introducing a maximum pavement width of 75cm appears to be very narrow and may put pedestrians – particularly vulnerable groups – into the path of moving vehicles. Of particular concern is wheelchair users, and mothers with pushchairs and toddlers.

- The 75cm pavement width does not seem to allow for people passing each other.

I would recommend that the application for the increased area for tables and chairs here is rejected.

Chris Gooding  
Food Safety Officer



**APPENDIX**  
**F**

**Fuller, Maxine**

**From:** Margaret Cossey [magsy.cossey@talktalk.net]  
**Sent:** 15 May 2009 14:46  
**To:** Licensing; George Saunders  
**Subject:** RE ORGASMIC CAFE APPLICATION FOR TABLES AND CHAIRS

Attn of Ian Streeter  
Senior Licensing Officer

Ref None given

RE ORGASMIC CAFE, 6 QUEEN STREET, NORWICH

APPLICATION FOR A TABLES AND CHAIRS LICENCE

Norwich Access Group has surveyed the above Cafe and would like to make an objection to the application for the following reasons:-

1. The extension to the existing licenced area will encroach too far onto the shared surface. This will lead to danger for pedestrians, especially blind, partially sighted people and wheelchair users, from vehicles which use this road, many illegally, who will have to drive on the opposite walkway.
2. The extended licenced area and illegally parked vehicles would be a problem for the emergency services.

We ask you to refuse the application for the reasons stated.

Margaret Cossey  
Norwich Access Group  
1 Spruce Crescent  
Poringland  
Norwich NR14 7UA

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**APPENDIX**  
**G**

## **CENTRAL NORWICH CITIZENS' FORUM**

4<sup>th</sup> May 2009

Mr Ian Streeter  
Senior Licensing Officer  
Licensing  
Legal & Democratic Services  
Norwich City Council  
City Hall  
Norwich  
NR2 1NH

Dear Mr Streeter

**Re: APPLICATION FOR TABLES AND CHAIRS LICENCE  
ORGASMIC CAFÉ & BAR, 6 QUEEN STREET, NORWICH**

I write in regard to the above application which we have examined with interest. Since the pedestrianisation of Queen Street some time ago it has become apparent that, apart from a very few vehicles that find it necessary to load or unload in the street, there are fewer cars and vans in evidence and such as do call at businesses there drive very slowly because of the increased number of pedestrians and those pedestrians that do use it do so with a great deal of confidence, clearly because they are aware that they have priority.

That is a very desirable outcome of the improvements undertaken and, therefore, we regard this new application to extend the existing chairs and tables outside Orgasmic as being entirely consistent with the atmosphere there and an improvement to the streetscape. Therefore, we recommend approval.

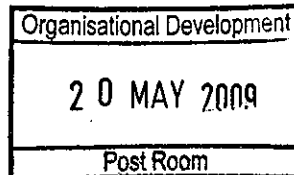
Yours sincerely

**Julian F Foster**  
CHAIRMAN

Central Norwich Citizens' Forum is a company limited by guarantee and registered in England No 4855745 and a charity registered with the Charity Commission for England and Wales No 1106226.  
Registered office: 2 Roaches Court, Norwich NR3 1HJ. Website: [www.cncf.co.uk](http://www.cncf.co.uk)  
Tel: 01603-767066. e-mail: [julianf.foster@btopenworld.com](mailto:julianf.foster@btopenworld.com)

**Our Ref:** AEB/JLA

19<sup>th</sup> May 2009



Old Bank of England Court,  
Queen Street, Norwich, NR2 4TA  
T 01603 629871 F 01603 616199  
E [norwich@brown-co.com](mailto:norwich@brown-co.com)  
DX 5250 Norwich 1

Ian Streeter  
Licensing Manager  
Legal & Democratic Services  
Norwich City Council  
City Hall  
St Peters Street  
Norwich, NR2 1NH



Dear Mr Streeter

**Application for Licence to place Tables & Chairs on the Highway – Orgasmic Cafe, 6 Queen Street**

I refer to your letter dated 1<sup>st</sup> May regarding an application that has been received from Laura Knight for a licence to place tables and chairs on part of highway immediately to front of the Orgasmic Cafe.

On behalf of Brown & Co, I am writing to express our concern at the possibility of up to 15 tables and 56 chairs being placed on the highway. Despite having been pedestrianised, Queen Street remains something of a thoroughfare with contractors' vehicles and delivery vans continuously negotiating the area. We consider that this volume of tables and chairs on Queen Street will have safety issues.

Given our proximity to the Orgasmic Cafe, we are also concerned about encroachment of the tables and chairs, and customers of the Orgasmic Cafe in front of our office, and particularly our boardroom windows, which are immediately adjacent.

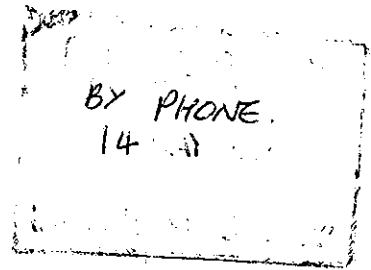
I trust you will take this into account in considering the application.

Yours sincerely

**ANNE BARKER MRICS FAAV**

**Office Manager**

For & on behalf of Brown & Co. - Property and Business Consultants LLP  
Email: [anne.barker@brown-co.com](mailto:anne.barker@brown-co.com)  
Direct dial: 01603 598227



RE: TABLES + CHAIRS IN QUEEN'S STREET.

OBJECTOR:- MR. TOOKE (REGISTERED BLIND PERSON)

TEL: 466310

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MR. TOOKE STRONGLY OBJECTS TO THIS APPLICATION.

HE SAYS THERE ARE TOO MANY OF THESE CAFE AND BARS IN THE CITY, AND THEY SHOULD NOT BE ALLOWED.

HE SAYS HE LIKES TO FOLLOW (LIKE MANY BLIND PEOPLE) THE BUILDING LINE / PAVEMENT AND DOES NOT EXPECT HIS GUIDE DOG TO GO IN THE ROAD. THE PREMISES ~~DO~~<sup>DO</sup> NOT KEEP THEIR AREAS CLEAN AS THEY SHOULD AND THIS DISTRACT THE DOGS WHICH IS ALSO A NUISANCE. (FOOD LEFT ON FLOOR).

HE WOULD LIKE US TO TAKE INTO ACCOUNT THE WIDTH OF THE ROAD AS TRAFFIC STILL GOES DOWN.

MAXINE  
(LICENSING ASSISTANT)

## Annex 2 – Conditions consistent with the Operating Schedule

### 1 **General - all four licensing objectives**

2 60% of the floor area shall be permanently laid out with tables and chairs for the service as food and meals.

3 The licensee(s) and stall will operate the Portman Prove It Proof of Age Scheme (or a driving licence with photograph or passport).

4 The licensee(s) shall not operate any happy hours or operate a discounted drinks policy.

5 All parts of the licensed premises shall be open to inspection during any function authorised under the licence or at any other reasonable time by a Police Officer or a Fire Officer or a duly authorised officer of the City Council.

6 Whilst the licensed premises are being used in pursuance of this licence no drunken or disorderly person or common prostitute shall be permitted to remain therein, no drunkenness or disorderly conduct or proceeding, no unlawful gaming whatever, no indecency or profanity and no performance of a kind commonly known as a strip-tease act involving the removal of garments while the performer (including a performer whose movements or a reflection of whose movements can be seen by the audience through or on a translucent screen or similar device) is within the view of the audience, or any performance of a similar nature shall be permitted therein, but good rule and order shall be kept and maintained.

7 The number of persons permitted to use the licensed premises at any one time (including staff and performers) shall not exceed the following limits:-

Ground Floor - 180

First Floor - 150

8 The maximum number of persons permitted on the licensed premises shall be prominently displayed together with plans as approved by the Licensing Authority showing the accommodation open to the public gangways and exit routes.

9 There shall be adequate provision made to account for the number of persons on the licensed premises during any entertainment authorised under the licence.

10 Printed notices shall be displayed at suitable positions in the building stating in concise terms the essentials of the action to be taken upon discovering a fire and on hearing the alarm.

11 Nothing shall be done or permitted to be done on or in the proximity of the licensed premises which may impede or endanger the speedy exit of persons from the licensed premises and, all gangways, corridors, staircases and external passages intended for exit purposes shall be kept entirely free from obstruction whether permanent or temporary.

12 The Licensee shall do what is reasonably practicable to prevent obstruction of exits, external courts, passageways, stairways and ramps leading to the outside of the licensed premises by persons waiting to gain admission thereto.

13 The public shall be permitted to leave by all doors marked "EXIT" after each performance.

14 Mats and other floor coverings shall be secured and maintained so that they will not ruck or in any way be a source of danger to persons using the licensed premises. New floor coverings should be approved by the Chief Fire Officer.

15 (i) Where so required by the Licensing Authority no fastenings, other than automatic bolts, shall be fitted on exit doors used by the public except of such a pattern and in such positions as the Licensing Authority may determine. Automatic bolts shall be of such a pattern that horizontal pressure on the crossbars will open the doors. The crossbars shall, where practicable, be placed at a height of 1 metre from the bottom of the door. Doors fitted with automatic bolts shall have the words "PUSH BAR TO OPEN" painted upon them in block letters at least 100 millimetres high.

(ii) If the Licensing Authority give consent to the use of chains, padlocks or other locking devices for securing exit doors when the public are not on the premises, a responsible person shall be required to remove such chains padlocks or other devices before the admission of the public and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the licensed premises.

16 Where collapsible gates or roll up shutters are used, these must be locked in the open position whilst the public are present. Revolving doors shall not be counted as exits.

17 At all times when the licensed premises are being used in pursuance of this licence all exit doors shall be kept unlocked and shall be maintained in such a condition as to be immediately available for use.

- 18 All exits, other doors or openings used by the public for the purpose of exit shall be indicated by exit signs complying with The Health and Safety (Safety Signs and Signals) Regulations, 1996. (B.S. 5499 signs comply with this standard). The signs to be sited at a height of at least 2.1 metres above floor level above or beside the exits.
- 19 All barriers and doors shall be made to swing or open outwards, unless the Licensing Authority are satisfied that this is unnecessary with regard to any particular door or doors, and the method of opening shall be indicated thereon.
- 20 All stairs and steps comprising parts of the means of escape in case of fire shall be maintained with non-slippery and even surfaces and shall be provided with appropriate handrails.
- 21 On those occasions when people with disabilities are present on the licensed premises such special arrangements as may be necessary in the circumstances shall be made so as to enable all persons to leave the licensed premises safely in the event of fire.
- 22 The arrangements for a closely seated audience on movable seating shall be as follows:-

(i) The seating must at all times be so disposed as to provide unobstructed access to all exit doors.

(ii) Chairs or other single seats should be secured together in lengths of not fewer than four seats and not more than twelve so that the seats cannot be separated from each other merely by pushing one or more seats in a row (the only exception being chairs in boxes or other approved enclosures) ; and

(iii) Provision should be made for the rows of seating flanking the gangways to be fixed to the floor effectively preventing the individual seats or rows of seats from being dislodged into the gangways or from being toppled over, except that :-

(i) only end seats of such rows need to be fixed to the floor if all seats in each row are secured together ; or

(ii) only the end seats of each length of seating referred to in paragraph (ii) above from such rows need to be fixed to the floor.

(iv) No person, except staff, shall be allowed to stand or sit other than on approved seating in the gangways or passages whilst the public are on the premises. The gangways or passageways shall be kept entirely free from chairs and other obstructions.

- 23 Two separate and independent systems of lighting sufficient to enable persons to see their way out of the premises should be provided.

(i) Normal Lighting

All parts of the premises to which the public have access and all external exitways should be provided sufficient illumination of those parts of the premises for the public to leave the premises safely. In the absence of adequate daylight whenever the public are on the premises the normal lighting should be kept on.

(ii) Emergency lighting

All parts of the premises to which the public have access and all external exitways should be provided with emergency lighting capable of providing sufficient illumination for the public to leave the premises safely.

On failure of a local lighting circuit the emergency lighting should be brought into use immediately and automatically.

The system should be a combination of maintained and non maintained units. All fire exit notices should be of the maintained type. Maintained emergency lighting units are required to be illuminated at all times the public are present on the premises.

Non maintained emergency lighting units are only required to be illuminated when the normal local lighting circuit fails.

The emergency lighting system shall be tested monthly, six monthly and three yearly in accordance with the guidelines contained in BS.5266 Part 1:1988. A record of the tests shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.

- 24 No smoking shall be permitted to take place on any stage except as part of the performance, and real flames shall not be used on any stage or other part of premises where a performance is taking place unless approved by the Licensing Authority.
- 25 All curtains or drapes hung in places of entertainment should be of a durably flame-retarded fabric or inherently flame retarded fabric and should conform with the British Standard 5867: Part 2 fabric type B. Suitable documentary evidence should be provided to this effect. Visiting acts/discos etc. shall also provide equivalent documentary evidence for any drapes etc. they bring into the premises. The documentary evidence produced must clearly identify the drapes etc to which they apply. Curtains or drapes should not conceal notices and should be hung so as not to trail on the floor.
- 26 The void beneath the stage shall not be used for the storage of combustible materials.
- 27 Decorations, artificial and dried foliage to be approved by the Fire Officer.
- 28 Promotional displays in foyers and public areas to be approved by the Fire Officer.
- 29 Surfaces of walls and ceilings etc:

Apart from small areas of wall surface the surface finish of walls and ceilings should correspond to a standard not lower than that indicated in the appropriate surface spread of flame classification given below :-

Class 0 In circulation spaces and escape routes.

Class 1 In rooms, including auditoria and places of assembly other than small rooms.

Class 3 In small rooms (not exceeding 4m2)

Class 1 & 3 means tested in accordance with BS 476 : Part 7.

- 30 Suitable guards to prevent contact with scenery or any other combustible materials shall be fitted to all lamps, lanterns, lighting appliances and other apparatus in the licensed premises which are liable to become heated whether under normal or abnormal conditions.
- 31 Subject to condition (24), explosives, flammable liquids (including liquefied petroleum gas) or highly flammable articles shall not be brought into or used in any part of the licensed premises, but this shall not prevent the use of flammable liquids used in cooking at the table and lighted candles as table decorations, provided that where naked flame is present in these circumstances, only flame retardant table cloths, napkins and table decorations shall be used.
- 32 Subject to condition (31) (Prohibition of Flammable Materials), heating appliances, other than hot water radiators, shall be adequately guarded or fixed in positions out of reach of the public. Mobile heating appliances of whatever kind shall not be operated whilst the licensed premises are open to the public.
- 33 (i) Where new or replacement upholstered furniture is provided for the premises or the existing furniture refurbished, the upholstered furnishings provided should conform with British Standard 7176: 1989 "Resistance to ignition of upholstered furniture" and be suitable for "Medium Hazard" situations.
- (ii) The outer covering of all upholstered furniture provided in the premises should be maintained in good repair to ensure that the filling materials are not exposed.
- 34 Suitable fire fighting equipment shall be provided on the licensed premises and placed in suitable positions ready for immediate use. All fire equipment shall be maintained in efficient working order. Portable fire extinguishers shall be examined at least once annually in accordance with BS5306 Part 3 : 1985. The dates of such tests shall be clearly marked on the extinguisher attached to a stout label. A record shall be kept in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or the Fire Officer on request. Hose reels shall be tested at least annually to ensure that they are in good working order and will produce a satisfactory jet of water.
- 35 Fire alarm systems will be required in premises on the following basis.

All types	-	Minimum type M.
Accommodating over 300 persons -		Voice evacuation.

Electrical fire warning systems shall be installed and maintained in accordance with BS.5839: Part I: 1988. The fire warning system is to incorporate relays to cut out all entertainments sound systems as soon as the fire warning system is activated.

- 36 Fire alarms and automatic fire detection where fitted, shall be maintained in efficient working order and shall be tested or examined whenever required by the Licensing Authority or the fire Officer. In addition, the alarms shall be tested weekly using a different call point for each successive test to ensure the alarm operates satisfactorily. It must be examined once a year by a competent person. A record of the tests and examinations shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.
- 37 Whenever the licensed premises are being used for the purposes of public dancing or music or other public entertainment of a like kind there shall also be during that time sufficient competent attendants on duty. These attendants must have been instructed in the safety precautions to be observed and in the action to be taken in case of fire or other emergency. Fire routines and evacuation procedures shall be regularly checked and practice and a record of such checks and practices shall be recorded in a book kept on the licensed premises at all times and open to inspection by an authorised officer of the Licensing Authority or Fire Officer on request.
- 38 The Licensee shall ensure that records of staff training are kept, to include the names of the staff attending each practice drill, and details of the training and instruction given. The following are examples of matters which need to be included in such a record :-

- (a) date of the instruction or exercise;
- (b) duration;
- (c) name of the person giving the instruction;
- (d) name of the person(s) receiving the instruction; and

- (e) the nature of the instruction, training or drill.
- 39 (i) Practice fire drills shall be held at least once every month and shall be conducted by the Licensee or a competent person appointed by him/her. They shall be attended by at least one-third of the staff including any member who has been appointed since the previous practice drill or who has not attended a practice drill within the preceding three months. Where one-off performances are given, all staff should be made aware of their duties prior to the event.

- (ii) Premises managed by voluntary organisations. All voluntary management committees shall provide instruction for their committee members and booking secretaries in emergency procedures at least once every year.

- 40 The Licensee shall satisfy himself by annual inspection as to the safety of the ceiling structures of the licensed premises and produce at his/her own expense on the request of the Licensing Authority a certificate from an Architect or Surveyor as to the safety of the ceiling structures of the licensed premises.

- 41 Adequate access must be provided to roof spaces above suspended fibrous plaster and other forms of suspended ceilings of the licensed premises, thereby allowing access to all parts of the ceiling for purposes of inspection and repairs.

- 42 (i) The electrical installation in the premises shall be subjected to tests no less stringent than those required by BS 7671: 1992. A current completion certificate, or periodic inspection report in the prescribed form, completed by an N.I.C.E.I.C./E.C.A. electrical contractor, and schedule of test results, shall be submitted with the application for the licence.

- (ii) On an application for the renewal of the licence, the licence holder shall be required to sign a declaration to the effect that the electrical installation has sustained no damage and been the subject of no alteration or extension since the date on the current inspection certificate. In the event of damage, alteration or extension to the electrical installation, a new electrical inspection certificate, in the prescribed form, completed by an N.I.C.E.I.C./E.C.A. electrical contractor, and schedule of test results, shall be submitted with the application for the renewal of the licence.

- 43 (i) A residual current device(s) shall be mounted and maintained as part of the fixed wiring installation of the premises. The device(s) shall conform to the appropriate British Standard/Euro



norm with no intentional time delay included, and shall have a rated residual operating current no greater than 30mA.

(ii) The device(s) shall protect the electrical installation which serves those parts of the entertainment premises to which the public and performers have access. No unprotected electrical supply shall be introduced into those parts of the premises.

44 The licensee shall ensure that the electrical installation for the premises is properly maintained and used in a safe manner.

45 (i) All electrical equipment shall be maintained so as to prevent, so far as is reasonably practicable, danger to any person on the licensed premises. Electrical equipment includes anything used, intended to be used or installed for use, to generate, provide, transmit, transform, rectify, convert, conduct, distribute, control, store, measure or use electrical energy.

(ii) The licensee shall ensure that any item of electrical equipment brought onto the premises for the purpose of an entertainment shall have a current certificate to verify that it has been subjected to necessary test/inspections to guarantee it is safe to use.

46 No lasers, strobes or other form of high intensity lighting should be installed or used without the express written consent of the Licensing Authority. An application for consent shall be in writing and signed by the Licence Holder and should be made not less than 28 days before installation or use. No such lighting shall be used other than strictly in accordance with any terms and conditions which may be imposed by the Licensing Authority. All such systems to comply with the current health and safety codes of practice and guidance. In the case of lasers the licence holder shall appoint a competent laser safety officer to advise him/her.

47 Application for the Licensing Authority's consent to the use of pyrotechnics and special effects should be made by the licensee in writing at least 14 days before the first performance of the entertainment or special effect and give full details of the proposed use and the date and time on which a demonstration can be witnessed by a representative of the Licensing Authority and the Fire Officer. No pyrotechnic device or special effects shall be used other than strictly in accordance with any terms and conditions which may be imposed by the Licensing Authority.

48 All public parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Licensing Authority.

49 Suitable and sufficient cloakrooms and sanitary accommodation shall be provided in accordance with BS6465, part 1 1994 and indicated by such notices and signs as the Licensing Authority may consider necessary for persons frequenting the licensed premises.

50 An adequate number of hand wash basins shall be provided to the satisfaction of the Licensing Authority.

51 At least one separate closet shall be provided for each sex, and where accommodation for males is more than 50, sufficient urinal accommodation shall be provided in addition.

52 Urinal stalls shall be fitted with automatic flushing devices. Closets, urinals and drains shall be constructed and fitted in accordance with the Building Regulations.

53 The several lavatories, closets, urinals and wash hand basins serving the licensed premises shall at all times be kept in good order and repair and be properly and effectually cleansed, disinfected, ventilated, supplied with water where necessary, and lighted.

54 (i) On any day on which doors supervisors are to be engaged at the premises the licensee or the responsible person on his/her behalf must enter in a register kept for that sole purpose the name, registration number and hours of duty of each door supervisor to be engaged on that day before that supervisor starts his/her duties.

(ii) The register must be kept at the premises at all times and be produced for inspection at any time on request by an authorised officer of the Licensing Authority or a Police Officer. Any entry in the register shall be kept at the premises for at least 6 months from the date of that entry before being removed or erased.

55 All windows and doors shall be kept closed at all times whilst entertainment is taking place on the premises.

56 There shall be no storage of any items in the passageway leading to the wheelchair access door.

57 There will be a thirty minute chill out/wind down period after all licensable activities (except late night refreshment) have ended.

58 All bar staff will be trained in the basic law relating to the sale/supply of alcohol and a record of who has received this training will be kept at the premises.

59 **The Prevention of Crime and Disorder**

- 60 On Friday and Saturday nights suitably qualified/regulated door staff will be employed to monitor clientele entering and leaving the premises.
- 61 The Designated Premises Supervisor and/or suitable representatives shall undertake to be members of 'Norwich Licensing Forum' and 'Norwich Pubwatch' and undertake to attend at least 3 meetings of each per year.
- 62 Signage will be placed at the exit doors of the premises to encourage the quiet dispersal of customers when they leave the premises.
- 63 The opening hours of the premises will be included in publicity material and on signage at the front of the premises.
- 64 **Public Safety**
- 65 A narrow, lockable, fire proof bin store will be installed in the alleyway leading to the wheelchair access door.