

### **Licensing sub committee**

**Date:** Friday, 01 May 2015

**Time:** 12:00

**Venue:** Earlham room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Pre-meeting briefing for members of the committee only  
15 minutes before the start of the meeting**

**Committee members:**

**For further information please contact:**

**Councillors:**

Button (chair)

Maxwell

Woollard

**Committee officer:** Lucy Green

t: (01603) 212416

e: [lucygreen@norwich.gov.uk](mailto:lucygreen@norwich.gov.uk)

Democratic services

City Hall

Norwich

NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

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For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website.

## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declaration of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### **3 Application for variation of a Premises Licence –Maddermarket Theatre St John’s Alley, Norwich NR2 1DR**

**3 - 54**

**Purpose** - Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of the Maddermarket Theatre St John’s Alley Norwich NR2 1DR following the receipt of relevant representations.

Date of publication: **Friday, 24 April 2015**

<b>Report to</b>	Licensing sub committee 1 May 2015	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>3</b>
<b>Subject</b>	Licensing Act 2003: Application for variation of a Premises Licence –Maddermarket Theatre St John’s Alley, Norwich NR2 1DR	

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## Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of the Maddermarket Theatre St John’s Alley Norwich NR2 1DR following the receipt of relevant representations.

## Recommendation

That members determine the application for the variation of a premises licence in respect of the Maddermarket Theatre St John’s Alley Norwich NR2 1DR in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

## Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

## Financial implications

None.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – customer services

## Contact officers

Ian Streeter, licensing manager

01603 212761

## Background documents

None

## Report

### Variation application

1. The applicant is The Maddermarket Theatre Trust Ltd St John's Alley Norwich NR2 1DR.
  - The application seeks to extend the licensable activities of late night refreshment and the retail sale of alcohol.
2. The tables below shows the licensable activity which the applicant is seeking to vary; the timings permitted under the existing premises licence; and the proposed amendments to the hours contained in the variation application:

<b>Late night refreshment</b>	<b>Hours permitted under existing premises licence</b>	<b>Hours proposed in variation application</b>
Monday	23:00 – 23:30	24:00 – 02:00
Tuesday	23:00 – 23:30	24:00 – 02:00
Wednesday	23:00 – 23:30	24:00 – 02:00
Thursday	23:00 – 23:30	24:00 – 02:00
Friday	23:00 – 23:30	24:00 – 02:00
Saturday	23:00 – 23:30	24:00 – 02:00
Sunday	N/A	24:00 – 02:00

**Existing licence non-standard timings:** New Years Eve: 23:00 - 05:00

<b>Retail sale of alcohol</b>	<b>Hours permitted under existing premises licence</b>	<b>Hours proposed in variation application</b>
Monday	10:00 – 23:00	10:30 – 24:00
Tuesday	10:00 – 23:00	10:30 – 24:00
Wednesday	10:00 – 23:00	10:30 – 24:00
Thursday	10:00 – 23:00	10:30 – 01:00
Friday	10:00 – 23:00	10:30 – 01:00
Saturday	10:30 – 23:00	10:30 – 02:00
Sunday	12:00 – 22:30	10:30 – 01:00

### **Existing licence non-standard timings:**

New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Christmas Day: 12:00 - 15:00 & 19:00 - 22:30.

Good Friday: 12:00 – 22:30.

### **Operating schedule**

3. A copy of the existing licence and operating schedule is attached at appendix A to the report. The additional steps put forward by the applicant to promote the licensing objectives as a result of the proposed variation is attached at appendix B to the report.

### **Relevant representations**

4. The responses from the Responsible Authorities are as follows:

Police – no relevant representations received.

Environmental Protection – no relevant representations received.

Fire Officer – no relevant representations received.

Planning Officer – no relevant representations received.

Area Child Protection Committee – no relevant representations received.

Trading Standards – no relevant representations received.

Primary Care Trust – no relevant representations received.

5. Relevant representations have been received in respect of the application with concerns which appear primarily to relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Copies of the representations received are attached at appendix C to the report. A representation supporting the application has also been received and this is attached at appendix D to the report.
6. A site plan showing the location of the application premise and those local residents who have made representations will be available at your meeting.

### **Norwich City Council Statement of Licensing Policy**

7. Attached at appendix E are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

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

8. Attached at appendix F are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

## Summary

9. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
  - the council's own statement of licensing policy.
10. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - Grant the application as asked;
  - Modify the conditions of the licence by altering or omitting or adding to them;
  - Reject the whole or part of the application
11. The sub-committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
12. The representations received appear primarily to relate to issues that fall under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix E that contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
13. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.



# NORWICH City Council

## Premises Licence Summary

**Premises Licence Number**

**05/01119/PREMTR**

### Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Maddermarket Theatre  
St Johns Alley  
Norwich  
Norfolk  
NR2 1DR

**Telephone number** 01603 626560

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence.**

Ent like live/recorded music/dance - Activity takes place indoors  
Late Night Refreshment - Activity takes place indoors  
Live Music - Activity takes place indoors  
Performances of Dance - Activity takes place indoors  
Plays - Activity takes place indoors  
Sale by Retail of Alcohol - Activity takes place indoors  
Recorded Music - Activity takes place indoors

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

**The times the licence authorises the carrying out of licensable activities**

Ent like live/recorded music/dance Excludes Christmas Day	Every Day	10:00 - 02:00
Late Night Refreshment	Monday to Saturday	23:00 - 23:30
Late Night Refreshment	New Years Eve	23:00 - 05:00
Live Music Excludes Christmas Day	Excluding Christmas Day	10:00 - 02:00
Performances of Dance Excludes Christmas Day	Excluding Christmas Day	10:00 - 02:00
Plays Excludes Christmas Day	Every Day	10:00 - 02:00

Sale by Retail of Alcohol	Saturday	10:30 - 23:00
New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sale by Retail of Alcohol	Monday to Friday	10:00 - 23:00
New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sale by Retail of Alcohol	Sunday and Good Friday	12:00 - 22:30
New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sale by Retail of Alcohol	Christmas Day	12:00 - 15:00
New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sale by Retail of Alcohol	Christmas Day	19:00 - 22:30
New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Recorded Music	Every Day	-

**The opening hours of the premises** -

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

Alcohol is supplied for consumption both on and off the Premise

**Name, (registered) address of holder of premises licence**

The Maddermarket Theatre Trust Limited  
St Johns Alley  
Norwich  
Norfolk  
NR2 1DR

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

Registered Business Number 00355871

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

Mr Michael Edward Lyas

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





**Premises Licence**

**Premises Licence Number**

**05/01119/PREMTR**

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Maddermarket Theatre  
St Johns Alley  
Norwich  
NR2 1DR

**Telephone number** 01603 626560

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence.**

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Late Night Refreshment - Activity takes place indoors  
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Plays	Every Day	10:00 - 02:00
Excludes Christmas Day		
Sale by Retail of Alcohol	Saturday	10:30 - 23:00
New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sale by Retail of Alcohol	Monday to Friday	10:00 - 23:00
New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sale by Retail of Alcohol	Sunday and Good Friday	12:00 - 22:30
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Sale by Retail of Alcohol	Christmas Day	12:00 - 15:00
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New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Recorded Music	Every Day	-

**The opening hours of the premises**

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

Alcohol is supplied for consumption both on and off the Premise

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

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

The Maddermarket Theatre Trust Limited  
St Johns Alley  
Norwich  
Norfolk  
NR2 1DR

Electronic Mail

mmtheatre@btconnect.com

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

Registered Business Number

00355871

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

Mr Michael Edward Lyas  
8 Cedar Road  
Norwich  
NR1 1HL

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

Party Reference: 05/01676/PERSTR

Licensing Authority: Norwich City Council

## Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 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.

4 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.

5 The Licensee or responsible person nominated by The Licensee in writing, not being a person under 18 years of age, shall be in charge of and upon the licensed premises whenever the licensed premises are being used for the purposes of public dancing or music or other public entertainment of a like kind and that person shall not be engaged in any duties which will prevent him/her from exercising general supervision. The responsible person shall produce his/her written authorisation on request by an authorised officer of the Licensing Authority or a Police Officer or the Fire Officer.

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

### Bar

(i)	When used for dancing -	130
(ii)	When used for functions utilising seating at tables -	50
(iii)	When used for purposes combining (i) and (ii) above -	70
(iv)	When used for closely seated audience (removable seating) -	130

### Auditorium

THE COMBINED OCCUPANCY OF THE BAR AND AUDITORIUM SHALL NOT EXCEED 380 PERSONS

7 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.

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

9 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.

10 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.

11 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.

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

13 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.

14 (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.

15 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.

16 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.

17 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.

18 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.

19 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.

20 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.

21 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 form 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.

22 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.

23 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.

24 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.

25 The void beneath the stage shall not be used for the storage of combustible materials.

26 Decorations, artificial and dried foliage to be approved by the Fire Officer.

27 Promotional displays in foyers and public areas to be approved by the Fire Officer.

28 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.

29 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.

30 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.

31 (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.

32 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.

33 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.

34 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.

35 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.

36 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.

37 (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.

38 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.

39 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.

40 (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.

41 (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.

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

43 (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.

44 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.

45 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.

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

47 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.

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

49 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.

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

51 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.

52 (i) Structural alterations or additions, whether permanent or temporary, to the licensed premises shall not be carried out except with the prior consent of the Licensing Authority. The licensee must give the Licensing Authority written notice of the proposed alterations and additions, such notice to be accompanied by a plan (in triplicate) clearly indicating the existing licensed area in red and any proposed area for increased facilities must be delineated in some other colour. The work shall not be started until the written consent of the Licensing Authority has been obtained. This consent is in addition to any building regulation approval, planning permission, listed building consent and conservation area consent which may also be required. Where the consent of the Licensing Authority is subject to conditions, those conditions shall be deemed to form part of this licence until the works have been completed to the satisfaction of the Licensing Authority.

(ii) In the event of any premises being closed for the purpose of effecting alterations, repairs or decorating they shall not be reopened to the public unless and until the consent of the Licensing Authority



has been obtained. At least seven days notice in writing to the Licensing Authority shall be given by the licensee of his intention to reopen the premises, in order that necessary inspections and tests may be carried out at the premises by the Licensing Authority and the Fire Officer. Except with the prior consent of the Licensing Authority, no work in connection with any alterations, additions, repairs or decorating shall be carried out whilst the public are on the premises.

53 (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.

54 Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of the public entertainments licence or the provisions of the Hypnotism Act 1952.

55 An application for consent under condition 59 shall be in writing and signed by the applicant or his /her agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7-14 days, less where the hypnotist has previously performed at the same venue. A copy of the application shall at the same time be forwarded to the chief officer of police and the fire authority. The application shall contain the following particulars:-

(a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist") along with the details of their last three performances (where and when) and;

(b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application).

56 The following conditions shall apply to any consent given:

#### Publicity

(a) no poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere;

(b) every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly the following statement

"Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance".

#### Insurance

(c) the performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested; and it must be available for inspection at the performance;

#### Physical Arrangements

(d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction;

(e) a continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as a part of the performance;

#### Treatment of audience and subjects

(f) before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:

"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no one volunteers if they have a history of mental illness, are under the influence of alcohol or drugs or are pregnant".

(g) no form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage;

(h) if volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety;

#### Prohibited actions

(i) the exhibition shall be so conducted as not to be likely to cause offence to any person in the audience or any hypnotised subject;

(j) the performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular the performance shall not include:-

(i) any experiment involving the age regression of the subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc);

(ii) any suggestion that the subject has lost something (e.g. a body part) which, if it really occurred, could cause considerable distress;

(iii) any experiment in which the subject is suspended between two supports (so called "catalepsy"); or

(iv) the consumption of any noxious or harmful substance;

(v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin)

(k) the performance shall not include giving hypnotherapy or any other form of treatment

(l) all hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed;

(m) all hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed);

(n) the hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell.)

#### Authorised Access

(o) where-

- i. a constable, or
- ii. an authorised officer of the licensing authority, or
- iii. an authorised officer of the fire authority

has reason to believe that a performance is being, or is about to be, given he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

#### 57 THEATRE LICENCE CONDITIONS

These Regulations are made pursuant to Section 12 and Schedule 1 to the Theatres Act, 1968, and, unless the context otherwise requires, the words and phrases herein contained shall have the same meaning as in that Act.

These Conditions shall come into operation on the 17th November 1997.

A copy of these Conditions shall be kept on the licensed premises at all times.

A licence granted, renewed or transferred pursuant to Schedule 1, paragraph 1 to the Act for public performance of plays shall have attached to it the following conditions, provided that the Norwich City Council may vary or add to such condition if it thinks fit:-

58 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.

59 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.

60 The Licensee or responsible person nominated by The Licensee in writing, not being a person under 18 years of age, shall be in charge of and upon the licensed premises whenever the licensed premises are being used for the public performance of plays and that person shall not be engaged in any duties which will prevent him/her from exercising general supervision. The responsible person shall produce his/her written authorisation on request by an authorised officer of the Licensing Authority or a Police Officer or the Fire Officer.

#### 61 FIRE SAFETY

The number of persons permitted to use the licensed premises at any one time (including staff and performers) shall not exceed the following limits when used for closely seated audience.

62 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.

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

64 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.

65 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.

66 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.

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

68 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.

69 (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 cross-bars will open the doors. The cross bars 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 shall be replaced during the whole time the public are present in the licensed premises.

70 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.

71 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.

72 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.

73 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.

74 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.

75 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.

76 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 form 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.

77 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 with normal lighting capable of providing 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.

78 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.

79 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.

80 The void beneath the stage shall not be used for the storage of combustible materials.

81 Decorations, artificial and dried foliage to be approved by the Fire Officer.

82 Promotional displays in foyers and public areas to be approved by the Fire Officer.

83 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 4m<sup>2</sup>)

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

84 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.

85 Subject to condition (21), 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.

86 Subject to condition (28) (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.

87 (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.

88 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.

#### 89 **FIRE ALARMS**

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.

90 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.

#### 91 **STAFF TRAINING**

Whenever the licensed premises are being used for the purposes of public performance of plays 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.

92 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.

93 (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.

#### 94 **STRUCTURAL SAFETY**

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.

95 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.

#### 96 **ELECTRICAL SAFETY**

(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.

97 (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 premises to which the public and performers have access. No unprotected electrical supply shall be introduced into those parts of the premises.

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

99 (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.

#### 100 **HEALTH & SAFETY**

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.

101 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.

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

103 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.

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

105 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.

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

107 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.

#### 108 **STRUCTURAL ALTERATIONS / ADDITIONS**

(i) Structural alterations or additions, whether permanent or temporary, to the licensed premises shall not be carried out except with the prior consent of the Licensing Authority. The licensee must give the Licensing Authority written notice of the proposed alterations and additions, such notice to be accompanied by a plan (in triplicate) clearly indicating the existing licensed area in red and any proposed area for increased facilities must be delineated in some other colour. The work shall not be started until the written consent of the Licensing Authority has been obtained. This consent is in addition to any building regulation approval, planning permission, listed building consent and conservation area consent which may also be required. Where the consent of the Licensing Authority is subject to conditions, those conditions shall be deemed to form part of this licence until the works have been completed to the satisfaction of the Licensing Authority.

(ii) In the event of any premises being closed for the purpose of effecting alterations, repairs or decorating they shall not be reopened to the public unless and until the consent of the Licensing Authority has been obtained. At least seven days notice in writing to the Licensing Authority shall be given by the licensee of his intention to reopen the premises, in order that necessary inspections and tests may be carried out at the premises by the Licensing Authority and the Fire Officer. Except with the prior consent of the Licensing Authority, no work in connection with any alterations, additions, repairs or decorating shall be carried out whilst the public are on the premises.

#### 109 **HYPNOTISM**

Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of the theatre licence or the provisions of the Hypnotism Act 1952.

110 An application for consent under condition 52 shall be in writing and signed by the applicant or his /her agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7-14 days, less where the hypnotist has previously performed at the same venue. A copy of the application shall at the same time be forwarded to the chief officer of police and the fire authority. The application shall contain the following particulars:-

(a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist") along with the details of their last three performances (where and when) and;

(b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment.



(Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application).

111 The following conditions shall apply to any consent given:

#### Publicity

(a) no poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere;

(b) every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly the following statement

"Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance".

#### Insurance

(c) the performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested; and it must be available for inspection at the performance;

#### Physical Arrangements

(d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction;

(e) a continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as a part of the performance;

#### Treatment of audience and subjects

(f) before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:

"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no one volunteers if they have a history of mental illness, are under the influence of alcohol or drugs or are pregnant".

(g) no form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage;

(h) if volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety;

#### Prohibited actions

(i) the exhibition shall be so conducted as not to be likely to cause offence to any person in the audience or any hypnotised subject;

(j) the performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular the performance shall not include:-

(i) any experiment involving the age regression of the subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc);

(ii) any suggestion that the subject has lost something (e.g. a body part) which, if it really occurred, could cause considerable distress;

(iii) any experiment in which the subject is suspended between two supports (so called "catalepsy"); or

(iv) the consumption of any noxious or harmful substance;

(v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin)

(k) the performance shall not include giving hypnotherapy or any other form of treatment

(l) all hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed;

(m) all hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed);

(n) the hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell.)

#### Authorised Access

(o) where-

- i. a constable, or
- ii. an authorised officer of the licensing authority, or
- iii. an authorised officer of the fire authority

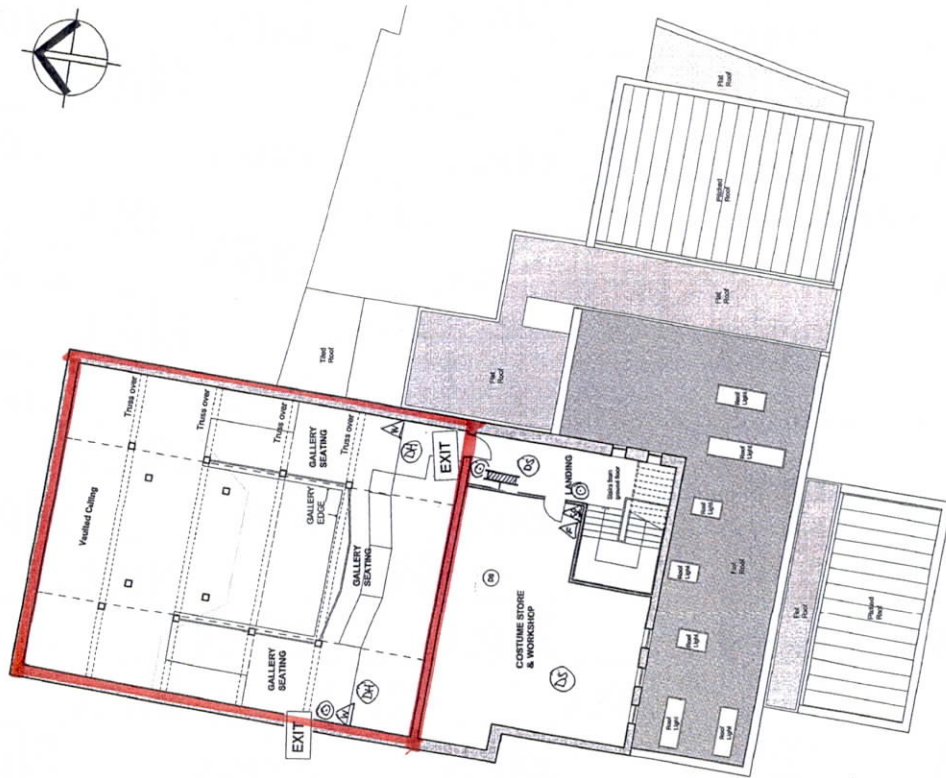
has reason to believe that a performance is being, or is about to be, given he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

112 If any entertainment taking place on the premises is an entertainment for children or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the Licensee to station and keep station wherever necessary, a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the premises, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof and to take all other reasonable precautions for the safety of the children.

## **Annex 2 – Conditions consistent with the Operating Schedule**

**Annex 3 – Conditions attached after a hearing by the licensing authority**

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First Floor Plan as existing

10.03.05

LSI Architects LLP

LSI architects  
Maddermarket Theatre, Norwich

CLIENT	LSI Architects LLP	DATE	10.03.05
PROJECT	Maddermarket Theatre, Norwich	NO.	101
DESIGNED BY	MS & RH	CHECKED BY	2489
DATE	10.03.05	NO.	101

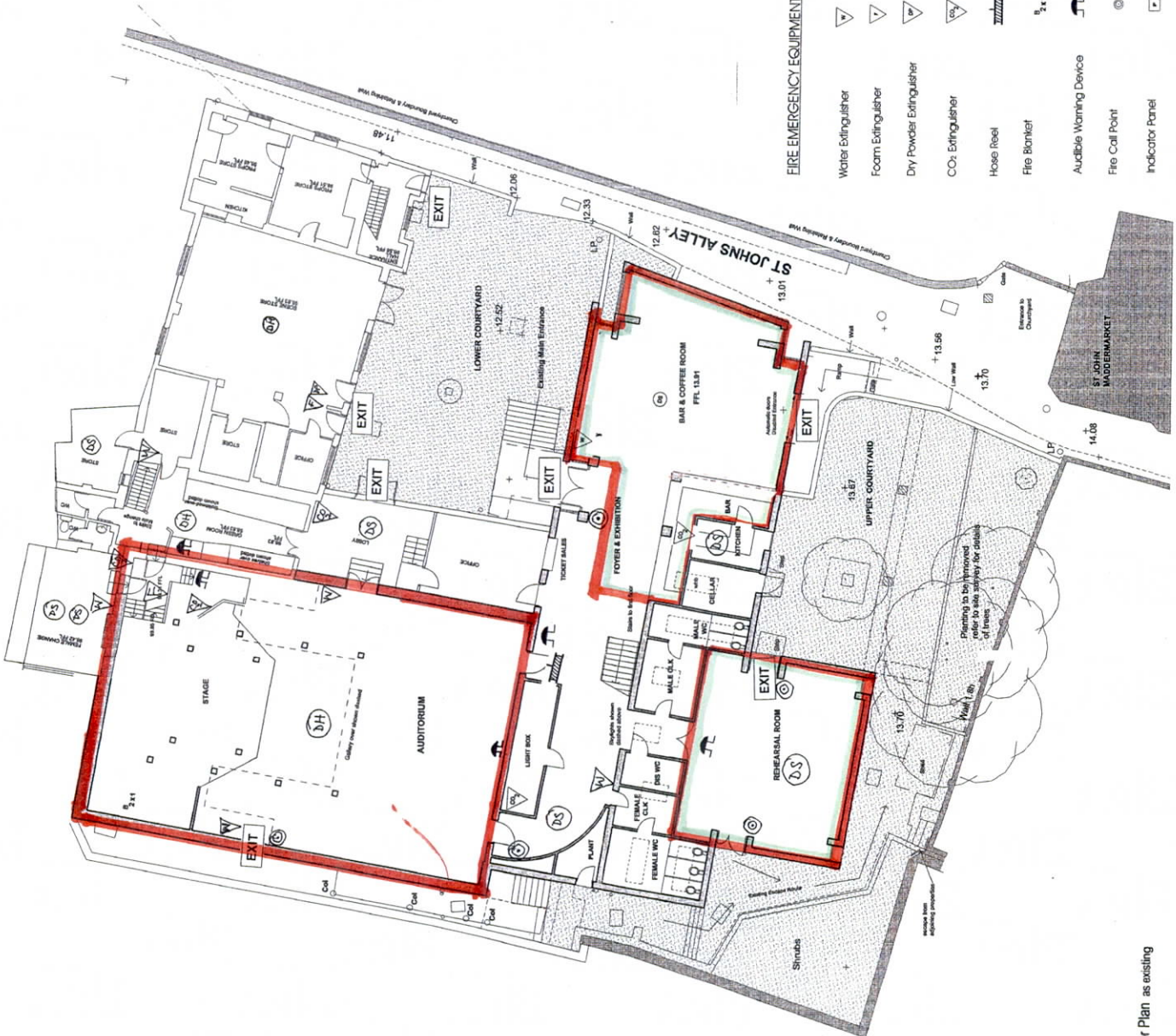
Michael Jones with LSI Architects LLP

NO DATE REVISION

10.03.05

# FIRE EMERGENCY EQUIPMENT

- Water Extinguisher
- Foam Extinguisher
- Dry Powder Extinguisher
- CO<sub>2</sub> Extinguisher
- Hose Reel
- Fire Blanket
- Audible Warning Device
- Fire Call Point
- Indicator Panel
- Auto Fire Alarm, Heat
- Auto Fire Alarm, Smoke



Ground Floor Plan as existing





1. Energy Consumption on the line

- of 54  
Auto Fire Alarm, Smoke



NO.	INT.	DATE	REVISION
-----	------	------	----------

**Section 16 of 17****LICENSING OBJECTIVES**

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

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

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

For every event we have a House Manager who is responsible for the health and safety of all those in the building. During a performance we also have three stewards (minimum) present. The bar is staffed at all times when it is open. The back of the building can only be accessed in the event of a fire, so all patrons are within view of staff at all times. We promote sensible drinking at the bar and offer snacks and light food. All areas are well lighted. We operate a zero tolerance to anti social behaviour and will ask patrons to leave if found to be causing a public nuisance. The building is fully locked when empty and has a security alarm system.

c) Public safety

Queen's Printer and Controller of HMSO 2009

*Continued from previous page...*

For every event we have a House Manager who is responsible for the health and safety of all those in the building. The House Manager makes a full inspection of the building, checking exits, fire points, exit signs and access before all public events. All staff are trained in first aid. We operate a child protection policy with procedures for disclosures. The building has a fire alarm smoke detector system which is regularly checked, and a security alarm for when the building is empty, which again is regularly checked. We regularly carry out fire drills.

d) The prevention of public nuisance

For every event we have a House Manager who is responsible for the health and safety of all those in the building. During a performance we also have three stewards (minimum) present. The bar is staffed at all times when it is open. The back of the building can only be accessed in the event of a fire, so all patrons are within view of staff at all times. We promote sensible drinking at the bar and offer snacks and light food. All areas are well lighted. We operate a zero tolerance to anti social behaviour and will ask patrons to leave if found to be causing a public nuisance. The building is fully locked when empty and has a security alarm system.

e) The protection of children from harm

We operate a child protection policy, with procedures for disclosures, which is operated and reviewed by our Education Officer at regular intervals. We do not allow children under 18 to work/volunteer in the building unless accompanied by an appointed adult, or by prior consent by their school. All members of staff are CRB checked.

**RECEIVED**  
**- 1 APR 2015**  
**LICENSING OFFICE**

**Nottingham City Council Licensing Authority**  
**Licensing Act 2003**

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

**Organisational Development**  
**01 APR 2015**  
**Post Room**

<b>Your name/organisation name/name of body you represent (see note 1)</b>	J.R. HIPPERSON
<b>Postal address</b>	4A CHANCING CROSS NR2 4AL
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Name of the premises you wish to support or object to</b>	Maddemakers Theatre 11/00488
<b>Address of the premises you wish to support or object to.</b>	St John's Alley NR2 1DR

**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>	St John's Alley & Churchyard is already a venue for anti social behaviour
<b>Public safety</b>	
<b>To prevent public nuisance</b>	The premises abuts residential properties late night noise & music is not desirable
<b>To protect children from harm</b>	

<b>Please suggest any conditions which would alleviate your concerns.</b>	No Sale of alcohol or music after 23.00. I have no objection to the Theatre but would object to it becoming another late night bar/club
---	---

Signed: \_\_\_\_\_ Date: 30/4/2015

Please see notes on reverse



Norwich City Council Licensing Authority  
Licensing Act 2003

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

RECEIVED

- 7 APR 2015

LICENSING OFFICE

Your name/organisation name/name of body you represent (see note 1)	JENNY KING.
Postal address	4C CHARING CROSS NORWICH NR2 4AL
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	MADDERMARKET THEATRE 15/00488
Address of the premises you wish to support or object to.	St John's ALLEY NORWICH NR2 1DR

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	- see attached sheet
Public safety	- see attached sheet
To prevent public nuisance	- see attached sheet
To protect children from harm	N/A

Please suggest any conditions which would alleviate your concerns.	- see attached sheet
--	----------------------

Signed

Date: 6/4/15

Please see notes on reverse

Objection to the application for the variation of a Premises Licence  
Maddermarket Theatre  
St Johns Alley  
Norwich  
NR2 1DR

06.04.15

**Reference 15/00488**

The proposed amendment to the current Premises Licence will negatively impact on three of the four Licensing Objectives.

**To prevent crime and disorder**

Late night drinking beyond Midnight is associated with increased levels of drunkenness and alcohol induced behaviour. The problems caused & the control thereof have led to the creation of a designated late night area in the City where resources can be concentrated to prevent crime and disorder. The premises seeking to vary their Licence are outside that area and located in a part of the Lanes where CCTV presence is inadequate & access is challenging.

**To promote public safety**

The creation of additional late night venues trading until 2.00 AM seven days a week will inevitably cause larger numbers of people to be present in the street who are possibly under the influence of drink and who may pose a danger to themselves and to members of the public in their vicinity.

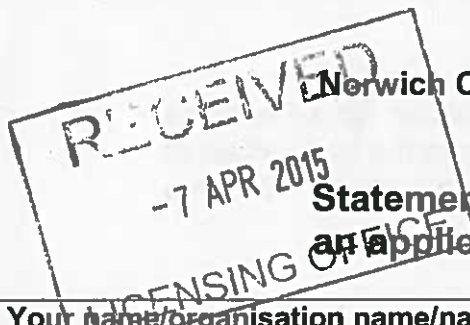
**To prevent public nuisance**

Inevitably during the warmer months food and alcohol consumption will take place in the garden area and the resulting noise after Midnight will be a public nuisance and certainly a nuisance for those living nearby from which there may be no respite as the variation requests a seven days a week Licence.

**Suggested conditions**

The Maddermarket Theatre is a valued resource which has recently been reenergised with new management which I heartily support.

I therefore propose that the Licence restricts those activities until Midnight, seven days a week which would enable the additional activities to take place whilst at the same time being a good neighbour to those living close by.



**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)	KATE ANETTS
Postal address	2 STRANGERS COURT NORWICH NR2 1EX,
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Maddermarket Theatre
Address of the premises you wish to support or object to.	St John's Alley Norwich NR2 1DR

**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	Objection. Without proper regulation extended opening hours can lead to increased alcohol-related disorder and crime in City centre
Public safety	Objection. Without proper regulation, extended hours can cause risk to clients and, after closing, to the public.
To prevent public nuisance	Objection. There have been problems in this area, now improved with the 3 adjacent licensed premises restricting very late openings. The hours stated could mean the Maddermarket becoming a late night stop after other places close - potential for rowdiness and increased pedestrian + vehicle traffic in Pottergate
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	Stated qualifications / restrictions (eg bar only - auditorium noise can reverberate through properties) A stated number of late openings each year - as with other licences
--	---

Signed:

Date:

7. 4. 15.

Please see notes on reverse

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)	MR: MICHAEL HOCKINGS
Postal address	7 STRANGERS COURT, POTTERGATE, NORWICH NR2 1EX
Email address	M.
Contact telephone number	[REDACTED]
Name of the premises you wish to support or object to	MADDERMARKET THEATRE
Address of the premises you wish to support or object to.	ST. JOHNS ALLEY, NORWICH NR2 1DR

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	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>            - 7 APR 2015  <b>LICENSING OFFICE</b> </div>
Public safety	
To prevent public nuisance	MY HOUSE BACKS ONTO THE BAR OF THE MADDERMARKET THEATRE. IN SUMMER THE NOISE LEVELS ARE ALREADY <del>THE</del> OBTRUSIVE. SUCH AN EXTENSION IS UNACCEPTABLE IN A RESIDENTIAL AREA.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	NO CHANGE TO CURRENT LICENSING HOURS.
--	---------------------------------------

Signed:

Date: 3/04/15

Please see notes on reverse

Organisational Development  
- 7 APR 2015

Norwich City Council Licensing Authority  
Licensing Act 2003

RGF 15/00488/PREMITR

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

Your name/organisation name/name of body you represent (see note 1)	MELVIN SLATER
Postal address	8 STRANGERS COURT POTTERGATE, NORWICH, NR2 1EX
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	MADDERMARKET THEATRE
Address of the premises you wish to support or object to.	ST JOHN ALLEY, NORWICH, NR2 1DR

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	Extended opening hours could lead to an increase in alcohol related crime and disorder in the area
Public safety	
To prevent public nuisance	See attached sheet
To protect children from harm	

RECEIVED  
- 2 APR 2015  
LICENSING OFFICE

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

Signed:

Date:

2/04/2015

Please see notes on reverse



## **Additional Information regarding my objections to the extending of opening hours at the Maddermarket.**

### **To prevent public nuisance**

The playing of recorded music, possibly until 2:00 every day could disturb neighbours.

The selling of alcohol until midnight on Mondays to Wednesdays, 01:00 Thursdays, Fridays and Sundays, 02:00 on Saturdays could lead to the Maddermarket becoming the 'late' public house of the area which could attract the public from the other public house when they close. This in term would almost certainly lead to an increase in public disorder and noise on the adjacent streets late when the bar closes.

### **Conditions which would alleviate my concerns**

The volume of the music should be at a level that cannot be heard by the neighbours. This could be tested and the room where music is played could be sound-proofed if necessary.

There should be security on the door after a certain time to keep order and prohibit drunk people from entry once other public houses close.

The extended/late hours could be limited to a few times a year rather than every day.

Norwich City Council Licensing Authority  
Licensing Act 2003

Organisational Development  
- 7 APR 2015

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

Your name/organisation name/name of body you represent (see note 1)	JUNE PERKINS
Postal address	5 Strangers Court, Pottergate Norwich NR2 1EX
Email address	
Contact telephone number	
Name of the premises you wish to support or object to	Maddermarket Theatre
Address of the premises you wish to support or object to.	St John Alley Norwich NR2 1DR

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	I object and suggest that without proper regulation extended opening hours could lead to an increase in alcohol related disorder & crime in the area
Public safety	I object on the grounds that, without proper regulation eg staffing, longer opening hours could cause risk to clients and after closing to the public
To prevent public nuisance	See attached sheet.
To protect children from harm	

Please suggest any conditions which would alleviate your concerns.	See attached sheet.
--	---------------------

Signed:

Date: 2nd April 2015.

Please see notes on reverse

RECEIVED  
- 2 APR 2015  
LICENSING OFFICE

Re: Application for variation of Premises Licence by the Maddermarket Theatre.

Additional sheet to Statement of Support or Objection

To prevent public nuisance

I object to the proposals as set out in the Summary of application for variation of Premises Licence

Reasons.

Having lived in Strangers Court for over 15 years I am aware of the problems we had in the area at nights over a period of time and the subsequent improvement and lack of disturbance now.


We have 3 licensed premises adjacent to the Courtyard and although these may have full licenses they all restrict very late openings .

I am aware that the Manager of the Maddermarket has been reassuring in stating that very late openings would only occur occasionally but there is no guarantee that he will be there permanently or that the situation will remain unchanged.

With the hours as stated there could be the possibility of the Maddermarket becoming a late night stop after other premises have closed with the potential for rowdy behaviour or at the least undue pedestrian and vehicle traffic in Pottergate and the surrounding area.

Conditions which could alleviate my concerns

I think there should be stated qualifications or restrictions eg that music should be played in the bar area only and not in the auditorium which can reverberate in our properties; that there should be a stated number of permitted late night openings in a year as happens with other licences. There may well be other issues where regulation is needed such as staffing levels with increased numbers of clients, to date volunteers appear to have provided most, if not all the coverage in the bar area



June Perkins  
5, Strangers Court  
Pottergate NR2 1 EX



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

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

*Support*

<b>Your name/organisation name/name of body you represent (see note 1)</b>	OUTLINE MAGAZINE
<b>Postal address</b>	15 ST JOHNS MARRIAGE MARKET NORWICH NR2 1BN.
<b>Email address</b>	Kevin@outlineonline.co.uk
<b>Contact telephone number</b>	01603 629920

<b>Name of the premises you wish to support or object to</b>	MARRIAGE MARKET THEATRE
<b>Address of the premises you wish to support or object to.</b>	MARRIAGE MARKET.

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

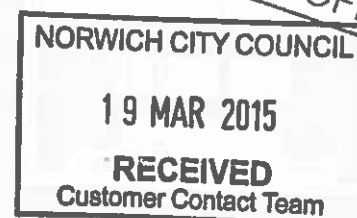
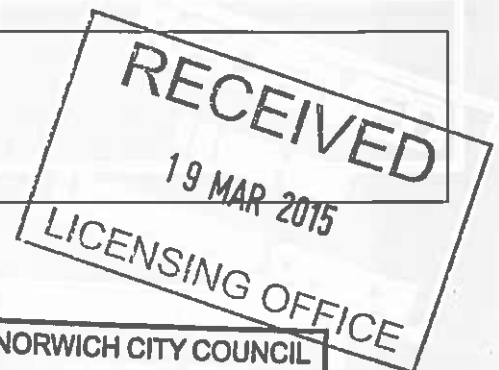
<b>Licensing Objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary</b>
To prevent crime and disorder	
Public safety	
To prevent public nuisance	
To protect children from harm	

<b>Please suggest any conditions which would alleviate your concerns.</b>	NONE
---	------

Signed:

Da . 19/3/15

Please see notes on reverse



## 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 may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

### 3.0 Applications for Licences

**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.**

### 4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) 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. Representations can be made in opposition to, or in support of, an application.

- 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’, i.e. it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that 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 appropriate 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

- 13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

**The licensing authority will therefore expect that where the personal licence holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible Officer of the licensing authority or the police upon request.**

## **LICENSING OBJECTIVES**

### 20.0 Objective - Prevention of Crime and Disorder

- 20.1 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.
- 20.2 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.

- 20.3 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.

- 20.4 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;

#### 24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 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.

- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 **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 prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 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 11pm and 7am
  - 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

- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

24.8 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, eg 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 (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.
- Adoption of best practice guidance (eg 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 to 3 hours before licensable activities finish.

To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises could include signage asking customers to keep noise to a minimum when using outdoor areas; restrictions on the numbers of customers permitted in certain outside areas and/or at certain times; and use of door-staff and employees to monitor possible public nuisance issues.

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

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.



## National Guidance

(issued under section 182 of the Licensing Act 2003)

### Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

### Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## **Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **Public nuisance**

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other

persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or

other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **Conditions attached to premises licence**

### **General**

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### **Proposed conditions**

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps

recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

## **Consistency with steps described in operating schedule**

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **Imposed conditions**

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

## **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## **Hours of trading**

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

## **The need for licensed premises**

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.