

**Report to** Licensing committee  
26 November 2020  
**Report of** Environmental health and public protection manager  
**Subject** Statement of Licensing Policy

**Item**

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### **Purpose**

For members to consider consulting on a revised draft Statement of Licensing Policy, in respect of alcohol and entertainment, under the Licensing Act 2003.

### **Recommendation**

To authorise the Environmental health and public protection manager to consult on the draft Statement of Licensing Policy.

### **Corporate and service priorities**

The report helps to meet the corporate priorities of inclusive economy and people living well.

### **Financial implications**

None.

**Ward/s:** All Wards

**Cabinet member:** Councillor Maguire - Safe and sustainable city environment

### **Contact officers**

Tiffany Bentley, Public protection (Licensing) team leader 01603 989231

### **Background documents**

None

## **Introduction**

1. Section 3 of the Licensing Act 2003 defines this council as a “Licensing Authority”.
2. Section 4 of the Act requires the Licensing Authority to have regard to its Statement of Licensing Policy in carrying out its functions, and must also have regard to any guidance issued by the Secretary of State under Section 182 of the Act.
3. Section 5 of the Act requires that each Licensing Authority prepares, consults on and determines a Statement of Licensing Policy. That policy must be kept under review on an ongoing basis, and in any case every five years. The current policy was adopted by Council in June 2015. The legislation requires that where revisions are made, the licensing authority must publish a statement of the revisions or the revised licensing policy.

## **Details of the report**

4. Before determining the policy the authority must consult with:
  - The Chief Officer of Police for the licensing authority’s area;
  - The Fire and Rescue Authority for that area;
  - Representatives of holders of premises licences, club premises certificates and personal licences;
  - Other persons the licensing authority considers to be representative of businesses and residents in its area;
  - The Local Authority Director of Public Health in England.
5. The consultees above will be contacted directly, mainly via e-mail or letter. The consultation process will ensure that those premises who are currently not operating due to the Covid–19 pandemic are contacted directly. The council will also take steps to ensure that it uses a variety of avenues, such as the website, social media and trade representative bodies, to advise the persons responsible for these premises that this consultation is underway.
6. The council’s website will have a copy of the proposed policy available.

## **Cumulative Impact**

7. The draft policy has been updated to bring it in line with current legislation and guidance, the only major amendment being the removal of the special policy on cumulative impact.
8. Prior to April 2018 local authorities have been able to include within their Licensing Policy a special policy on cumulative impact. Norwich adopted such a policy in the last review of the Licensing Policy in 2015.
9. The introduction of the Policing and Crime Act 2017 in April 2018, altered the standing of cumulative impact, changing it from being something that previously could be included within the Licensing Policy, to a standalone consideration, known as a Cumulative Impact Assessment (CIA). Therefore, we are unable to continue to include the cumulative impact section within the current policy as

this would have no proper legal standing, and could leave the policy open to challenge.

10. A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIA's relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area
11. Although, if undertaken, a CIA is separate to the Licensing Policy, the policy must have regard to any CIA published by the authority.
12. A Licensing Policy must be reviewed every 5 years, but where an authority publishes a CIA, this must be reviewed after only 3 years.
13. The Covid-19 pandemic and the subsequent business closure regulations have had a significant impact on all hospitality and entertainment venues, in particular those in the late night economy area that is identified within the current Licensing Policy's cumulative impact section.
14. Many premises have had to close for an extended period of time, and it is not considered possible within the current climate to properly assess the long term impacts of the pandemic, and subsequently not possible to assess cumulative impact of the number or density of licensed premises and the undermining of the licensing objectives, as set out in para. 10 above.
15. Consideration of a CIA can be undertaken at any time, and therefore it is proposed that this matter is re-addressed at a more appropriate point in the future.

## **Risks**

16. Failure to adopt and publish a Statement of Licensing Policy means that the authority would not be complying with the Licensing Act 2003 and would leave any decisions made by the Licensing Authority open to challenge along with the potential to damage to its reputation.
17. It should be noted that the policy, following on from consultation and if approved, can be challenged as with any decision made by the council. However, in order to minimise the risks of any legal challenge, the comments received during the public consultation will be given due consideration and these will be set out in the final report to the Licensing committee.

## **Conclusion**

18. The latest draft policy is attached at Appendix A for committee approval prior to consultation. Following on from formal consultation, this policy will return to Licensing committee for approval, before being referred to full council for final approval.

19. Following formal adoption by council, the policy will remain in force for a five year period after which it must be reviewed and formally adopted for a further five year period, and so on.
20. During its five year period, the licensing authority can make such revisions to their policy, at such times as considered appropriate, following a further consultation exercise.



Draft 2020

# Licensing policy

Approved by Norwich City Council \*\*\*\*\* Draft 2020



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## **Section A – premises licences**

### **1. Introduction**

- 1.1 Norwich City Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the city in respect of licensable activities which are:

- the supply of alcohol by retail
- the supply of alcohol to club members and their guests
- the provision of regulated entertainment
- the provision of late night refreshment

Regulated entertainment is defined (subject to certain exemptions) as any of the following which takes place in the presence of an audience for the entertainment of that audience and are provided for members of the public or a section of the public or exclusively for the members of a qualifying club and/or their guests or for consideration and with a view to profit:

- a) a performance of a play
- b) an exhibition of a film
- c) an indoor sporting event
- d) boxing or wrestling
- e) a performance of live music
- f) playing of recorded music
- g) a performance of dance
- h) entertainment of a similar description to performance of live music, playing of recorded music or a performance of dance
- i) the provision of late night refreshment.

Late night refreshment is defined as the supply of hot food or drink to the public or a section of the public on or from any premises whether for consumption on or off the premises (mobile units included) between the hours of 11pm and 5am.



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- 1.2 Section 177 of the 2003 Act details circumstances where conditions relating to dancing may not have effect. This relates to smaller premises that have capacity of 200 persons or less. In this context, the capacity must be where the Fire and Rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order. For any premises without an existing permitted capacity, where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the Fire and Rescue authority which will consider it and then decide what the permitted capacity of those premises should be.
- 1.3 Morris dancing and other dancing of a similar nature or a performance of unamplified, live music, as an integral part of such a performance is exempt from any licensing requirements.
- 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.
- 1.6 This statement of licensing policy has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the act by the Secretary of State. This policy takes effect on \*\*\* and will remain in force for a period of no more than five years. It will be subject to regular review and further consultation prior to \*\*\*.

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- 1.7 This policy covers a wide variety of activities and premises including public houses, theatres, cinemas, restaurants, nightclubs, private members clubs, sports clubs and community centres, as well as off-licences and food premises selling hot food or hot drink after 11pm. The policy cannot provide for every eventuality, but sets out the factors and the council's policies which will influence the achievement of the licensing objectives.
- 1.8 The licensing function cannot be used for the general control of the antisocial behaviour of individuals once they are beyond the direct control of the managers of the premises. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control. Other mechanisms may also be used, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:
- planning controls
  - positive measures to create a safe and clean city environment in partnership with local businesses, transport operators and other departments of the local authority
  - the provision of CCTV surveillance in city centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
  - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly following a warning
  - police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
  - the confiscation of alcohol from children and adults in designated areas

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- the exercise of police powers to close premises or temporary event instantly for 24 hours on the grounds of disorder or likely disorder or noise nuisance
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the power of the police or other responsible authorities or a local resident or a business to seek a review of the licence or certificate in question

1.9 This policy does not seek to undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

## 2. Consultation and links to other policies and strategies

2.1 The council will seek to work with the police, local transport authority and providers, to find ways in which the public can be dispersed from licensed premises and events to minimise disturbance, crime and disorder.

2.2 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for the council to act in a way that is incompatible with a convention right. Particular regard will be given to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 that everyone has the right to respect for their home and private life, and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.



- 2.3 In addition to the requirements of the council to promote the licensing objectives, there is a statutory duty under the Equality Act 2010 to:
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between different communities.
  - Eliminate discrimination, harassment and victimisation which are all prohibited conduct in the Equality Act 2010.
- 2.4 Organisations providing access to goods, facilities and services, are subject to disability discrimination laws simplified in the new Equality Act (2010). This is a statutory obligation for all prospective applicants providing goods and services to the public, who should therefore be able to demonstrate compliance with the following:
- it is unlawful to put a disabled person at a substantial disadvantage in comparison with a non-disabled peer.
  - Reasonable adjustments should be made for disabled people, such as providing help to access services (like menus in Braille for example), or making changes to the service so that it is more accessible.
  - Reasonable adjustments should be made to the physical features of premises open to the public (like installing ramped access for example).
- 2.5 The Health Act 2006 has been introduced to protect employees and the public from the harmful effects of second hand smoke. It is against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles in England. There are very few exemptions from the law. Managers of smoke free premises have a legal responsibility to prevent people from smoking. The law requires no smoking signs to be displayed in all smoke free premises and vehicles. The law applies to anything that can be smoked; this includes cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes. Failure to comply with this law is a criminal offence.

For downloads and guidance visit [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

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- 2.6 So far as possible, the council will avoid duplication with other regulatory regimes, and will not 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.
- 2.7 In particular, the council's licensing functions will be discharged separately from its functions as the local planning authority.
- 2.8 The council's planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. It should be noted that licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 2.9 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate. Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes, and these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 2.10 If other statutory requirements apply to the provision of any regulated activities at a premise, the licence holder is responsible for complying with these. For example, if the activity involves the preparation and or sale of food the applicant needs to ensure all appropriate food safety legal requirements are met. It is not a requirement of any licence decision to address these matters. However, it is necessary for the responsible licensee to conform with all relevant legislation.



### 3. Applications for licences

- 3.1 To assess applications for premises licences, the council must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. **Bold type** refers to matters that the council expects to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in bold type are provided to assist applicants to understand what the council is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome. Guidance notes for applicants will be available.
- 3.2 Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be 'good neighbours' both to residents and to other venues and businesses.
- 3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.
- 3.4 If the council itself makes an application for premises licences the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, such representations will be given full and equitable consideration by the committee. Those who make representations, but who are aggrieved by a decision in favour of a council application, are entitled to appeal to the magistrates' court to have the decision reviewed.
- 3.5 The council will not accept any application that is incomplete or fails to satisfy the requirements of the act or the regulations. Incomplete applications will be returned with an explanation of why it is incomplete. It is recommended that applicants seek their own independent legal advice.



3.6

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## **Right to Work**

From 6 April 2017 licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This is to prevent illegal working in licensed premises. All applications for personal licences and applications for premises licences made by individuals require the applicant to demonstrate that they are eligible to work in the UK. Licences cannot be granted to those without entitlement to work in the UK. If a licence holder's immigration status in the UK is time limited, their licence will lapse when their immigration permission and their entitlement to work in licensable activities ends. Home Office Immigration Enforcement are a responsible authority so can comment on applications and make representations.

## **3.7 Variations**

A premises licence holder wishing to amend their licence will, in most cases, be able to apply for a variation rather than requiring an application for a new premises licence. Simplified processes are in place for the following:

- the change of the name or address of someone named in the licence
- to specify a new individual as the designated premises supervisor
- a request to be removed as the designated supervisor
- in respect of community premises, an application to disapply the requirements for a designated premises supervisor
- an application for a minor variation

3.8 Minor variations will generally fall into four categories - minor changes to the structure of layout of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all





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overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

- 3.9 Variations to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am or to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations.

## **4. 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 valid representations (see Appendix 7), which should 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.
- 4.4 In some exceptional and isolated circumstances people may be reluctant to make representations because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. In these circumstances, people may be advised to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.



4.5

The council may also decide to withhold some or all personal details from the applicant, giving only enough details (such as street name or general location within a street) which would allow an applicant to be satisfied that the interested person is within the vicinity of the premises. However, withholding such detail should only be considered where the circumstances justify such action and the licensing authority is satisfied that the complaints are not frivolous or vexatious.

- 4.6 Where the Licensing Authority acts as a responsible authority, appropriate steps will be taken to ensure separation of the roles and that transparency in the decision making process is clear.

## **5. Conditions attaching to licences**

- 5.1 Where relevant representations are made, the council will make objective judgements 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, conditions will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 5.3 Applicants may offer conditions, which from their own risk assessment, they consider are necessary to achieve the four licensing objectives. To assist applicants, and for consistency, a series of model conditions have been prepared which may be used with or without modification. These model conditions may be used to impose conditions where appropriate and proportional (model conditions are attached at appendices 2, 3, 4 and 5).



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applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

## **6. Delegation of the licensing functions**

- 6.1 The council will provide a speedy, efficient and cost effective service to all parties involved in the licensing process, while at the same time properly publicising all applications with responsible bodies and interested persons giving sufficient notice and time to make representations.
- 6.2 A table setting out how applications for licences will be determined is set out in Appendix 6.
- 6.3 Unless there are compelling reasons to the contrary, the licensing committee or any of its sub-committees will meet in public, although members can retire into private session to be advised by legal advisors to consider their decision.

## **7. Need for licensed premises**

- 7.1 The council acknowledges that need, in the sense of the commercial demand for further licensed premises, is a planning issue and is not a licensing policy matter. Therefore, licensing decisions will not take these issues into account.

## **8. 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.

## **9. Cumulative impact of a concentration of licensed premises**

9.1 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises being concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the council to consider in developing this licensing policy statement.

9.2 There are areas of the city where the significant number of licensed premises are concentrated which can result in unacceptable levels of crime and disorder or public nuisance. The council will be prepared to consider the adoption of a cumulative impact special policy for areas of the city, provided there is evidential basis that such a policy is necessary in those areas.

In such areas, applications for new premises licences or club premises certificates or material variations to existing premises licences in those areas will be refused if relevant representations are received.

9.3 The council's special policy relating to cumulative impact is at section D.



## **10. Advice and guidance**

- 10.1 Where possible the licensing team will provide advice and guidance to applicants and will liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved. Where an applicant considers that mediation and liaison may be likely or probable, they should discuss their proposal with the licensing team and those from whom they think representations are likely, prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

## **11. Reviews of licences and certificates**

- 11.1 A licence or certificate will be reviewed if a valid review application is received by the council. Where practicable, the council will mediate between applicants, relevant statutory agencies and occupiers of nearby premises, local residents' groups, community or interested groups where significant issues have arisen relating to a premises licence. Where possible, the council will mediate by:

- identifying potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents negotiating, if possible, potential conditions to reflect resolutions of this mediation.

This process will not override the right of any interested person to ask that the council consider their valid objections or for any licence holder to decline to participate in a mediation meeting.

Where mediation is not practicable or fails, the council will advise the parties of the provisions of the act concerning a formal review of the licence.

- 11.2 Should responsible authorities and interested persons give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement, requests for a review of any licence will only be sought if such notice has failed to resolve the matter or problem.



- 11.3 The council expects that any responsible authority or interested person will provide an evidentiary basis to support their application for a review of a premises licence.

## 12. Enforcement

- 12.1 The council will investigate allegations of unlicensed activities to ensure that licence conditions are complied with.
- 12.2 The council can undertake a programme of enforcement activity. Enforcement will be targeted to high-risk premises and activities, while providing a lighter touch in respect of low risk premises that are well operated. An intelligence led approach will also be adopted. The council will take firm action where the licensing objectives are found to be undermined.

Failure to comply with any conditions attached to a licence is a criminal offence, which, on conviction, would be punishable by an unlimited fine or up to six months imprisonment or both.

- 12.3 The council has its own enforcement agreement designed to ensure effective and efficient public protection services. Specifically, the council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

Enforcement also includes advice, education and training, information, promotion of good practice and behaviour.

- 12.4 The council will work with the police and share information about licensees and licensed premises. The council and the police will collaborate when enforcement action may be required.
- 12.5 In relation to the protection of children from harm, the council will work closely with the police and trading standards authority to ensure appropriate enforcement, especially relating to the sale and supply of alcohol products to children.
- 12.6 Where a successful prosecution is instigated by a responsible authority, that authority should make an application to the council to review the premises licence.



### **13. 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.

### **14. Live music, dancing and theatre**

- 14.1 In its role of implementing local authority cultural strategies, the council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.



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- 14.2 When considering applications for such events and the imposition of conditions on licences or certificates, the council will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 14.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 14.5 The council has obtained premises licences for public spaces and streets within the community in its own name. Performers and entertainers who wish to give a performance in these places may not need to obtain a licence or give a temporary event notice. Permission would however, be required from the council as the premises licence holder for any regulated entertainment that it was proposed should take place in these areas. If permission were withheld then a separate licence or TEN would be required.
- 14.6 The policy recognises that the requirements for outdoor events may differ to those held within built premises. It is possible, therefore that not all aspects of the policy will apply to those licensable events held outdoors.

## 15. Temporary event notices (TENs)

- 15.1 Temporary event notices authorise one-off licensable activities on a premise. There are certain restrictions relating to temporary event notices set out in the act. the most pertinent of which are set out here. The same premises cannot hold more than 15 temporary events per calendar year for permitted temporary activities and there are also limits on the number of applications that persons can make in a calendar year. Events that will be attended by 500 people or more, including staff and performers, cannot be authorised by a temporary event notice. Where such events are planned, an application must be made for a short-term premises licence.



- 15.2 Applications for temporary event notices must be made using the prescribed form. Applications must be given to the licensing authority and the police in duplicate no later than 10 clear working days before the first day on which the event begins. The 10 working days do not include the day the notice was given, the first day of the event, weekends or bank holidays. Applicants are however encouraged to give as much notice as possible. Late temporary event notices can be given from 9 to 5 clear working days before the date of the event. Other limits and requirements apply.
- 15.3 Depending on the nature and location of such events, these can have serious crime and disorder and / or public nuisance implications. Organisers of these events are encouraged to discuss their proposals with the police and public protection officers at the council as soon as reasonably practicable, and before submitting formal notification. This will enable the police and the council to work with them to identify and reduce the risk of problems . If agreement on these issues cannot be reached, and a temporary event notice (together with notification to the police and public protection) is still given by the applicant to the council, the council will expect the police and / or public protection to object to the notice thereby invoking the procedure as required by section 105 of the act.

### Special events

- 15.4 Much larger crowds may be attracted to large scale temporary events and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. The council should be given early notice of such major events to discuss operating schedules with the organiser prior to a formal application being submitted. It will be required that public safety, crime and disorder as well as public nuisance are fully considered, and it is for that reason that organisers may find it helpful to refer to the following documents:
- The event safety guide – a guide to health, safety and welfare at music and similar events (HSE 1999) (The Purple Book) ISBN 0 7176 2453 9
  - Managing Crowds Safely (HSE 2000) ISBN 07176 1834 7
  - Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804 (**see also** [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm))



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**The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (The Green Guide) ISBN 0 11 300095 2**

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained via [www.streetartnetwork.org/pages/publications](http://www.streetartnetwork.org/pages/publications).

## **16. Sexual entertainment**

- 16.1 Where the activities specified in an operating schedule include striptease, or any other kind of nudity (e.g. lap dancing, table dancing, pole dancing or topless waitresses) the council will take into consideration any increased risk to the promotion of the licensing objectives. In particular, the council will expect the applicant to have considered the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.
- 16.2 Where applications for premises licences or club premises certificates include striptease or any other kind of nudity in the licensable activities, the council will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.
- 16.3 In order to promote the licensing objectives, where the council is asked to grant premises licences which include striptease or any other kind of nudity in their licensable activities, applicants will be expected to give consideration to the following issues:
- the location within the premises where the activity takes place
  - the absence of advertising the activities outside the premises
  - the measures to ensure that no person under 18 years of age enters the premises
  - the measures to ensure that the activities inside the premises cannot be seen from outside the premises
  - the position of the performers' dressing rooms in relation to the area in which they perform
  - physical contact between performers and customers.



## **Sexual entertainment venues**

- 16.4 Section 27 of The Policing and Crime Act 2009 allows local authorities to regulate lap dancing clubs and similar venues defined as sexual entertainment venues under the 2009 act. Norwich City Council has adopted these provisions and a separate policy in in place for these premises.

## **17. Takeaway premises**

- 17.1 Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises, are expected to consider the cumulative effects of litter in the vicinity of their premises.
- 17.2 Where the council consider it appropriate it may impose conditions on licences to require the operators of premises serving customers with takeaway food or drink after 11pm to provide litter bins near the premises in order to prevent the accumulation of litter from its customers, provided that the land where the bins would be placed is under the control of the licence holder.
- 17.3 Operators may wish to choose their opening hours after considering the closing times of pubs/bars/clubs in the locality in order to avoid the disturbance associated with large concentrations of people who have been drinking.

## **18. Eating and drinking outside premises**

- 18.1 When applicants are preparing operating schedules and it is proposed to provide seating, tables or other facilities, within the curtilage of their premises, in any outdoor area (whether covered or not) applicants will need to show that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity.
- 18.2 Where outdoor areas are permitted, the licensee must apply effective management controls and/or other measures (e.g. removal of the seating/tables) to ensure that licensable activities and the use of such areas by patrons or any other persons ceases at an appropriate time. They must



also take measures to ensure that customers move away from outside premises when sales cease; take measures to collect drinking vessels, crockery, cutlery and litter on a regular basis, all of which may be prescribed as a condition on the licence.

(Please refer to suggested control measures at 21.4; 23.5; 25.8; 27.9).

- 18.3 Applicants should be aware that the provision of facilities (including tables, chairs barriers etc.) on the public highway require a separate permission in accordance with the Highways Act 1980.

## **Section B – licensing objectives**

### **19. Overview**

- 19.1 The following sub sections set out the council's policy relating specifically to the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

- 19.2 In each section relating to the objectives, the council has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the measures provided are not exhaustive. Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking a licence.

- 19.3 In each sub section, a list of possible control measures is provided to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.



19.4 In addition, the council has prepared a series of draft model conditions in respect of each of the licensing objectives. Applicants are advised that these conditions should be read in conjunction with the latest version of the statutory guidance and should note the following:

- a) The conditions must not be regarded as standard conditions that are to be automatically imposed in all cases. They are designed to provide a range of possible conditions that may need to be attached to premises licences depending upon differing situations. The wording of the conditions may need to be modified to suit particular premises and situations.
- b) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to premises licences to meet individual circumstances.
- c) Applicants preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.

When incorporated into a premises licence or club registration certificate any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution.

19.5 The selection of control measures can be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.). While the council cannot require such risk assessments to be documented, (other than where required by other legislation), such documentation is good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

19.6 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. Reference must be made in an applicant's operating schedule, where



applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

- 19.7 Effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.

## **20. 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 near 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



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- reducing antisocial 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

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- implement effective management of entrance queues – incorporating barriers if necessary (separate permission under the Highways Act 1980 may be required)
- 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

- adoption of Challenge 21 or Challenge 25 schemes and the 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 as required by the relevant mandatory condition.
- 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 ongoing 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. drug and weapon amnesty safes
- 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

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- attendance at the meetings of the Late-Night Norwich Forum
- responsible advertising
- distribution of promotional leaflets, posters etc.
- member of a recognised 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 to 3 hours before licensable activities finish
- Providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night – including night buses, licensed taxis and private hire (mini-cabs).

20.5 Home Office Immigration Enforcement are a responsible authority so can comment on applications and make representations on the licensing objective of the prevention of crime and disorder as they are concerned with the prevention of illegal working and broader immigration offences.

## **21. Model conditions (crime and disorder)**

21.1 Draft model licence conditions relating to crime and disorder are attached at Appendix 2. Refer also to section A, paragraph 5.

## **22. Objective – public safety**

22.1 The safety of any person visiting or working in licensed premises must not be compromised. Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the

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individual style and characteristics of their premises and the licensable activities for which the licence is being sought.

22.2 Applicants must ensure that they carry out their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and liaise with the Norfolk Fire and Rescue Service where necessary. Further information is available from <https://www.norfolk.gov.uk/safety/norfolk-fire-and-rescue-service/safety-in-your-business/business-regulations-fire/fire-safety-risk-assessment-guidance>

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

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



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

- suitable and sufficient risk assessments
- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- effective management of number of patrons within different parts of the premises
- determine sensible occupancy limits according to the nature of the premises and activities being carried out
- impose occupancy limits rigorously, employing registered door staff as necessary. In order to manage occupancy
- effectively, consider automated systems like electronic door counters appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further
- advice can be obtained from the Norfolk Fire Service on 01603 810351 [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk) The Event Safety Guide, Safety in Pubs published by the BBPA)
- provision of effective CCTV in and around premises
- provision of toughened or plastic drinking vessels
- implementation of crowd management measures
- the provision of suitable electrical cut outs for use with electrical appliances which are brought onto the premises (such as amplifiers,



microphones etc.). Such cut-outs should be of a residual current device with a rated tripping current of 30ma in 30 milliseconds (applicants should have regard to HSE Publication INDG 24 7 Electrical safety for entertainers)

- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

### **23. Model conditions (public safety)**

- 23.1 Model licence conditions relating to public safety are attached at Appendix 3. Refer also to section A, paragraph 5.

### **24. 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 affect 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 premise 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 considered 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



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- 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, e.g. to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries i.e. not too early in the morning.

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- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours.
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for fast food outlets.
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving.
- Introduce a closed door policy, with attendance prohibited for new customers 2 to 3 hours before licensable activities finish.

24.9 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.



**25.**

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### **Model conditions (public nuisance)**

- 25.1 Model licence conditions relating to the prevention of public nuisance are attached at Appendix 4. Refer also to section A, paragraph 5.

## **26. Objective – protection of children from harm**

- 26.1 The council will consult with the appropriate local child protection body for consideration of all applications for licences.
- 26.2 With a view to the promotion of the licensing objective relating to the protection of children from harm the council will work closely with the police and trading standards authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children More information can be found at: [www.businesscompanion.info/en/quick-guides/underage-sales](http://www.businesscompanion.info/en/quick-guides/underage-sales)
- 26.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances, children are more vulnerable, and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.
- 26.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.



- 26.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving the following are taking place - topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in section A, paragraph 16.
- 26.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.
- 26.7 While children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered. These include:
- where entertainment or services of an adult or sexual nature are commonly or regularly provided
  - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - where there has been a known association with drug taking or dealing
  - where there is a strong element of gambling on the premises
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 26.8 The council commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. The code



seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The council will expect all licensees to agree not to replenish their stocks following notification of a retailer alert bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that code should be included in operating schedules.

26.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (e.g. Minor Sales Major Consequences).
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.



- Train staff to deal with – and be vigilant about – potentially harmful situations, e.g. children in the presence of adults who are excessively drunk.
- Acceptance of accredited proof of age cards and/or new type driving licences with photographs, or passports.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Measures to ensure children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

26.10 In the case of film exhibitions, licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act should implement measures that restrict children from viewing restricted films classified according to the recommendations of the British Board of Film Classification or the council.

26.11 In premises where there may be children unaccompanied by adults, any supervisors must have undergone appropriate checks through the Disclosure and Barring Service.

## **27. Model conditions (protection of children)**

27.1 Model licence conditions relating to the protection of children are attached at Appendix 5 refer also to section A, paragraph 5.

## **Section C – personal licences**

28.1 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence. Applications should be made to the licensing authority for the area in which the applicant is ordinarily resident.



28.2

The

council will grant a personal licence if it is satisfied that the applicant:

- is over 18
- possesses a relevant licensing qualification
- has not forfeited a personal licence in the previous five years beginning with the day the application was made
- has not been convicted of any relevant offence.

28.3 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a basic disclosure certificate ([www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record)) The certificate must not be more than one month old at the date of application.

28.4 The council will liaise with Norfolk Constabulary when an applicant has an unspent conviction for a relevant offence defined in the act. When the police object to the application, the application will be dealt with by a licensing subcommittee. At that hearing, the subcommittee will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances, but refusal of the application will be the normal course unless there are, in the opinion of the sub-committee, exceptional and compelling circumstances that justify granting the application.

28.5 Personal licences have no expiry but holders of personal licences are reminded of the duty to notify the licensing authority who granted the licence of:

- any change in his/her name and/or address
- any conviction of a relevant offence or foreign offence.

## **Section D – cumulative impact**

29.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises





concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

- 29.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement. (see paragraph 7 of Section A).
- 29.3 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:
- planning controls
  - positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
  - the provision of CCTV
  - powers to designate parts of the city as places where alcohol may not be consumed publicly (Public Spaces Protection Orders)
  - confiscation of alcohol from adults and children in designated areas
  - police enforcement of the law regarding disorder and antisocial behaviour, including the issuing of fixed penalty notices
  - Community Protection Notices
  - enforcement action against those selling alcohol to people who are drunk
  - police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
  - the power of police, local businesses or residents to seek a review of the licence or certificate.



Cumulative impact assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017 with effect from 6<sup>th</sup> April 2018. A CIA may be published by a licensing authority to help limit the number or types of licence applications in areas where there is evidence of a cumulative impact from licensed premises. Section 5A of the Licensing Act 2003 sets out what a licensing authority needs to do to publish a CIA which includes setting out the evidential basis. The s182 Guidance gives examples of sources to examine for evidence. The decision to publish a CIA is one to for the licensing committee and subject to the consultation and approval process.

An area of Norwich was previously subject to a cumulative impact special policy (the precursor of the cumulative impact assessment in place before the legislative change) but this now has no legal basis. The licensing authority, having regard to the evidence currently available and being aware of other means available to the police and the local authority to address problems, consider that there is not currently evidence of a particular location causing a cumulative impact on any of the licensing objectives at the time of writing.

Due to the current Covid-19 pandemic and the changing restrictions on licensed premises, it is not proposed to carry out a cumulative impact assessment. This can be reviewed at any point once this policy has come into effect.

- 29.4 The licensing authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are causing a cumulative impact on one or more of the licensing objectives.

## Section E – hours of trading

- 30.1 This section primarily relates to premises where alcohol is sold/supplied, with or without any other licensable activity (e.g. provision of regulated entertainment). That is not to say that hours of trading at other types of licensed premises is of lesser importance, and all applicants for all types of licensed premises

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should consider hours of trading, as an important issue, when preparing their operating schedules.

- 30.2 In determining its policy on the hours of trading, the council has given full consideration to those parts of the secretary of state's guidance to the act that relate to hours of trading. These are covered in paragraphs 10.13 – 10.15 of the guidance, as replicated below.

*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 about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. 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.*

*10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.*

- 30.3 While consideration will be given to the individual merits of each application in respect of hours of trading it may be necessary to consider limiting hours of trading where it would assist in promoting the objectives of the licensing act.
- 30.4 Applicants should give particular consideration to the hours when it is proposed to provide licensable activities, especially the provision of entertainment and the sale and supply of alcohol, in the preparation of their operating schedules. Applicants will also

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be expected to address and give due consideration to the impact their patrons may have after leaving their premises, in conjunction with patrons likely to be leaving other licensed premises in the vicinity.

- 30.5 The policy options which will be applied to applications for premises licences where the sale or supply of alcohol for consumption on the premises is proposed are as follows:
- The council will consider restricting the hours if it believes, based on representations made, that not doing so would lead to or exacerbate problems of crime, disorder or public nuisance.
  - Where no relevant representations are received from either a responsible body or an interested person, the application will be granted in accordance with the terms of the operating schedule.
  - Where relevant representations are received from either a responsible body or an interested person, and those representations relate to the hours of trading then subject to (a) above, the council will consider restricting the hours in relation to any of the licensable activities for which a licence is being sought, provided it is considered appropriate to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The council may impose different restrictions on hours for different licensable activities and for different days of the week.
- 30.6 Applicants should consider having winding down periods at the end of the night. By gradually winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, and then allowing patrons to leave of their own volition, those patrons may behave less boisterously after they have left licensed premises.
- 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.

## **Section F – toilet facilities**

- 31.1 The applicant should provide an appropriate number of suitably designed and maintained toilet facilities together with hand-washing facilities shall be provided separately for use by male and female patrons at all licensed premises where patrons will be consuming food or drink on the premises, or where regulated entertainment is being provided. Generally, these facilities shall be separate to those provided for use by staff, though an exception may be considered in respect of small premises (capacity less than 50 persons including staff). The criteria are attached at Appendix 1.
- 31.2 For other licensed premises where regulated entertainment is the only licensable activity provided, the council will expect the number of toilet facilities to be based on the criteria contained within BS6465; Part 1; 2006.
- 31.3 In buildings, the design, layout and installation of toilet facilities shall generally be undertaken in accordance with BS6465; parts 1; 2 and 3; 2006.
- 31.4 In determining the appropriate number of facilities, applicants should have particular regard to the capacity of the premises or number of persons expected to attend a venue for a special event.
- 31.5 For large outdoor events the number of toilet facilities shall be calculated in accordance with the criteria contained in The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE1999)(The Purple Book) ISBN 0 7176 2453 6.



## Appendix 1

### Provision of toilet facilities in relevant places

#### Local Government (Miscellaneous Provisions) Act 1976

When food and/or drink are intended to be consumed in a relevant place (see definition):

Local Government (Miscellaneous Provisions) Act 1976 – Section 20(9)) it is the policy of this council, under the provisions of Section 20 of The Local Government (Miscellaneous Provisions) Act 1976, to require the provision of toilet facilities for the public. The following information is designed to assist in assessing the level of provision necessary. This information is general and is not exhaustive, and further advice is available from the Food and safety team on 0344 980 3333

1. **Separate provision is required for the exclusive use of staff unless it can be shown that staff will not be delayed by the public use of the facilities and food hygiene will not be compromised.**
2. Capacities of premises, unless specified by the fire officer, are calculated from criteria extracted from the building regulations.
  - In public houses, nightclubs etc. capacities are calculated at two persons per square metre.
  - In restaurants, coffee shops etc. capacities are calculated at one person per square metre or confirmed number of covers.
3. All toilet facilities are to be provided within a reasonable distance of the public areas. Facilities must be accessible from within the premises and be under the control of the management of the business. Public access through food preparation, storage or service areas will not be allowed.
4. Rooms containing toilets must not open into a room used to store, prepare or serve food. This provision may be waived in the case of



accessible toilets, accessible from public areas but adequate extract ventilation must be provided and maintained.

5. Capacities should be based on a 50/50 split, male to female, unless it can be shown that a different ratio should be used.
6. The authority may use its discretion when applying these standards to existing premises.

These tables are based on BS6465 Part 1: 2006

**Restaurants, cafes, coffee bars, canteens and fast food outlets**

(with seating/table facilities intended for use by customers consuming food or drink on the premises)

Sanitary appliance	For male customers	For female customers
WC	Two for up to 150 males. Plus one for every additional 250 males or part thereof. Two for up to 50 males if urinals are not provided.	Two for up to 30 females. Plus one for every additional 30 females up to 120, plus one for every additional 60 females or part thereof.
Urinal	One per 60 males or part thereof up to 120 males. Plus one for every additional 100 males or part thereof.	
Washbasin	One per WC plus one per five urinals or part thereof.	One per WC.

Establishments with up to 25 seats should provide as a minimum one wheelchair accessible unisex toilet, which may be used by both staff and customers.



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### Public house and licensed bars

Sanitary appliance	For male customers	For female customers
WC	Two for up to 150 males. Plus one for every additional 200 males or part thereof. Two for up to 40 males if urinals are not provided.	Two for up to 25 females. Plus one for every additional 25 females up to 200, plus one for every additional 35 females or part thereof.
Urinal	One per 50 males or part thereof up to 200 males. Plus one for every additional 70 males or part thereof.	
Washbasin	One per WC plus one per five urinals or part thereof.	One plus one per two WCs or part thereof.



## Appendix 2

### Draft pool of model conditions relating to the prevention of crime and disorder

1. The licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.  
*(Note. staffing requirements may vary dependent upon the size and nature of the premises and the licensable activities taking place and specified in the operating schedule).*
- 2.1 There shall be provided at the premises radio communication equipment to be operated in conjunction and in liaison with the local police service.
- 2.2 Any radio communication system provided under the provisions of condition 2.1. shall:
  - be capable of sending and receiving messages to and from the local Police, and other licensees, designated premises supervisors, door supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area
  - be maintained in good working order at all times when the premises are being used for a licensable activity
  - be activated, made available to, and monitored by the designated premises supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
- 2.3 The licensee, designated premises supervisor or other person having responsibility for monitoring radio communication system provided under the provisions of condition 2.1 shall comply with

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any instructions or directions received through the system from the police.

- 2.4 The licensee, designated premises supervisor or other responsible person shall use the text and/or pager system provided under the provisions of condition 2.1 to notify and report any incident of crime and disorder to the police as soon as practically possible, in accordance with agreed protocols.

- 3.1 The licensee and designated premises supervisor shall ensure that: *(either)*

- at all times the premises are open for any licensable activity

*(or)*

- between ..... and ..... on ..... (days) when the premises are open for a licensable activity.

There are employed at the premises: *(either)*

- *an appropriate number*

*(or)*

- 'X' number of door supervisors (as defined in the private security industry act 2001).

- 3.2 Door supervisors should be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.

- 3.3 The licensee shall ensure that where physical searching of patrons is to be undertaken, that there are a sufficient number of appropriately trained staff to carry out such searches regardless of whether patrons are male or female. *(Note – this means that licensees would have to ensure door supervisors have been properly trained either to search members of their own sex and the opposite sex, or if searching is only to be carried out by door supervisors, of the same sex as the patrons that there are sufficient door supervisors of both sexes on duty).*



- 3.4 Door supervisors will be provided with two-way radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.
- 3.5 Door supervisors will wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as door supervisors having regard to the events and activities taking place at the licensed premises.
- 3.6 The licensee will ensure that on each day that door supervisors are engaged for duty at the premises, their details (names and licence numbers) are recorded in an appropriate book kept at the premises. In conjunction with this record book, the licensee shall also keep an incident book. This record book and incident book must be available for inspection by the police or authorised officer at all times when the premises are open.
- 4.1 Glass bottles containing beverages of any kind shall not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel (see exemption).

### **Exemption**

Glass bottles containing wine may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals.

- 4.2 No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.
- 5.1 One pint and half pint capacity drinking glassware, and highball (tumbler) drinking glassware, in which drinks are served, shall be of strengthened glass material (tempered glassware) whereby in the event of breakage, the glass will fragment with no sharp edges being left. Alternatively, drinks may be served in non-glassware reusable drinking vessels (e.g. some types of plastic, polystyrene, waxed paper).

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*(Note – weights and measures legislation requires the use of stamped glasses where meter-measuring equipment is not in use).*

- 5.2 No glass drinking vessels or glass bottles shall be permitted (in the areas described in the attached schedule and delineated on the approved plan).
- 5.3 No alcoholic drinks may be consumed in, or brought into, the (areas described in the attached schedule) following areas and delineated on the approved plan.
- 5.4 No patrons will be allowed to leave the premises while in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage. This condition will not apply to patrons who have purchased beverages for consumption off the premises (within the curtilage of the premises licensed area or in the area designated under a licence to place tables and chairs on the highway) with the express consent of the licensee, designated premises supervisor or responsible person.
- 5.5 There will be no off sales of alcoholic drinks except for consumption in an area which is covered by a licence to place tables and chairs on the highway.
- 5.6 No alcoholic drinks will be sold or supplied for consumption off the premises *or* alcoholic drinks will be only be sold or supplied for consumption on the premises, (and there shall be no off sales).
- 5.7 There will be no sales of alcoholic drinks for consumption off the premises on any day(s) when an event is taking place, subject to notice in writing having been given to the licensee from the licensing authority (in conjunction with Norfolk police) at least seven days prior to the respective day(s). (Note. examples of when such a notice may be given might be if a major outdoor event (sporting or otherwise) or a parade is scheduled to take place in an area of the local authority, and where it is considered that alcohol off-sales in that area might give rise to or add to potential crime and disorder problems).

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- 6.1 The maximum number of persons permitted on the premises at any one time shall not exceed ..... persons.
- 6.2 The maximum number of persons permitted in each of the following areas at any one time shall not exceed:
- (a)
  - (b)
  - (c) Etc.
- but at no time shall the total number of persons on the premises as a whole exceed ..... persons.
- 6.3 The licensee and designated premises supervisor shall ensure that there are effective management arrangements in place to enable them to know how many persons there are in the premises at all times when the premises are open for a licensable activity.
- 6.4 The maximum number of persons permitted on the licensed premises, or relevant part of the licensed premises shall be indicated by a fixed notice bearing the words maximum occupancy with letters and number not less than 20mm high, conspicuously sited at each relevant part of the premises and at the reception point.
- 6.5 Seating for no less than ..... persons shall be provided in the premises at all times the premises are open for a licensable activity.
- 6.6 Seating must be provided for all customers and alcohol must only be served to those customers who are seated at tables by way of waiter or waitress service only.
- 6.7 Except in the area identified and delineated (e.g. hatched, coloured green) on the deposited plan. Alcohol drinks shall only be sold or supplied to, and consumed by persons seated at a table, by way of waiter or waitress service, save that:

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- (a) no more than (number) persons may stand in the area identified and delineated (e.g. coloured blue) at any one time
- (b) a person may take a drink from the area marked (e.g. coloured green) and sit in the area marked (e.g. coloured blue).

- 7.1 All members of staff at the premises including door supervisors shall seek credible photographic proof of age evidence from any person who appears to be under the age of 21 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Portman Proof of Age card, Citizen Card, Connexions Card or PASS scheme card or any replacement scheme of a similar effect.
- 7.2 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
- 8.1 The licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.
- 8.2 The licensee shall not sell or supply alcoholic drinks at a reduced price during any limited period on any day.

Reduced price means:

- (i) at no cost to the customer
- (ii) by way of exchange for any ticket or voucher
- (iii) by inclusion of the price for an alcoholic drink in some other charge or payment for a product, goods or services such as with a mixer, food or an entrance/cloakroom charge
- (iv) at a price less than that being charged either during an earlier or later period of the same day
- (v) in such a way whereby types, brands, and mixtures of drinks are sold either singly or in multiples, at a price for greater measures or quantities than those same drinks being sold for the same price but in smaller measures and quantities during an earlier or later period of the same day.



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- 9.1 A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance to the premises which gives details of times when the premises are permitted to be open for any licensable activity.
- 9.2 A conspicuous notice must be displayed on or immediately outside the premises, or which is immediately adjacent to the premises, which gives details of any restrictions relating to the admission of children to the premises.
- 10.1 Suitably phrased, clear and conspicuous notices shall be displayed near the entrance to the premises and in other appropriate locations such as sanitary conveniences advising patrons
- (i) of any risk of theft or possibility of other criminal activity and/or
  - (ii) to exercise care with their personal possessions to prevent theft and/or
  - (iii) how to report any incidents of theft or other criminal activity.
- 11.1 All signs required under these conditions shall comply with those conditions, shall be placed in accordance with those conditions and be illuminated or positioned in well-lighted locations.
- 12.1 A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the licensing authority and in consultation with Norfolk police. Such a system will:
- (i) be operated by properly trained staff
  - (ii) be in operation at all times that the premises are being used for a licensable activity
  - (ii) ensure coverage of all entrances and exits to the licensed premises internally and externally
  - (iii) ensure coverage of such other areas as may be required by the licensing authority and Norfolk police
  - (iv) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of two months and shall

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be supplied to the licensing authority or a police officer on request.

### 13.1 Alcohol delivery services will:

- not supply alcohol to a public place – an address must be provided
- Take names, addresses and contact numbers of customers before delivery and retain these details for a period of 28 days and be available on request by a police officer or an authorised officer of the licensing authority
- Refuse to supply alcohol to anyone who appears to be under the influence of alcohol or drugs;
- Require photographic ID from anyone who appears to be under 21 years of age before a supply of alcohol takes place.



## **Appendix 3**

### **Draft pool of model conditions relating to public safety**

1. When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan.
2. Disabled people on the premises must be made aware of the arrangements in place to enable their safe evacuation in the event of an emergency.
3. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
4. All exit doors whenever the premises are occupied, must be able to be easily opened in the case of an emergency, without the use of a key, card, code or similar means.
5. All exit doors must be regularly checked to ensure that they function satisfactorily, and a record of the check kept.
6. Any removable security fastenings must be removed whenever the premises are open to the public or occupied by staff.
7. All fire doors must be maintained effectively self closing and must not be held open other than by approved devices.
8. Fire resisting doors to ducts, service shafts, and cupboards must be kept locked shut to prevent unauthorised access and integrity.
9. The edge of the treads of steps and stairways to be maintained and be conspicuous. All staircases shall be provided with suitable and sufficient handrails.
10. Safety checks must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.

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11. Details of all safety checks must be kept in a logbook.
12. All licensed premises must have a means of giving warning to persons in the event of an outbreak of fire or other emergency. Where determined by the risk assessment that a mains electrical fire alarm is required, this must be designed to and installed in accordance with British standard 5838 current edition. Activation of the fire alarm must operate an electronically linked automatic cut off switch to silence any amplified music, this device must not infringe compliance of the system with the appropriate British standard.
13. Curtains, hangings and temporary decorations must be arranged so as not to obstruct exits, fire safety signs or firefighting equipment.
14. Prior advice must be sought from the licensing authority before temporary decorations are used, and the risk assessment amended accordingly.
15. Arrangements must be made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded.
16. The capacity limit imposed under the premises licence or club premises certificate must be displayed conspicuously on the premises.
17. The capacity limit imposed under the premises licence or club premises certificate must be displayed at the entrance to each licensed room/area.
18. The licence holder, a club official, manager or designated premises supervisor must be aware of the number of people on the premises at any time and must provide this information to any authorised person on request.
19. Notices detailing the actions to be taken in the event of fire or other emergency, including how to summon the fire brigade must



be prominently displayed and protected from damage and deterioration.

20. The responsible person where there is an outbreak of fire, however slight, must raise the alarm, evacuate the building, and call the fire brigade.  
Following the incident, the responsible person must ensure that the details are recorded in a fire log-book. Any remedial work necessary to restore fire precautions to their original standard must be completed with systems fully functional prior to re-admittance of the public.
21. Access to the premises for emergency vehicles must be kept clear and free from obstruction.
22. Adequate and appropriate equipment and materials must be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.
23. At least one suitably trained first aider per 500 people must be on duty at all times when public are present up to the first 3,000 and then one per 1,000 for the remainder.
24. If, having regard to the nature of the premises, the number of persons visiting it and the location of the premises, it would be adequate and appropriate to do so, then instead of a person for rendering first aid there must be a person appointed to take charge of the situation relating to an injured or ill member of the public and the first aid equipment and facilities.
25. In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests must be fully in operation when they are present.
26. Emergency lighting must be provided in accordance with BS5266 (current edition) or an equivalent standard approved by the licensing authority.
27. Emergency lighting must not be altered without prior consent of the licensing authority.



28. The emergency lighting system must be checked to ensure it is operating correctly before the admission of the public, members or guests.
29. In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements must be in place to ensure that the public, members or guests leave the premises immediately. Where the emergency lighting battery has a capacity greater than one hour the public, members or guests may remain in the premises for the duration of the system less one hour.

### Note

- In addition, an investigation into any failure of the system must be carried out to ascertain whether it is safe for persons to remain in the premises when only the emergency lighting is operating.
  - Emergency lighting installations must comply with BS 5266 or equivalent standard.
30. Temporary electrical wiring and distribution systems must not be provided without notification to the licensing authority at least ten days before commencement of the work and prior inspection by a suitable qualified electrician. Premises must not be opened to the public until the work is deemed satisfactory by the above parties.
  31. Where it is not possible to give ten days notification to the licensing authority of provision of temporary electrical wiring and distribution systems, the work must be undertaken by competent, qualified persons.
  32. Temporary electrical wiring and distribution systems must comply with the recommendations of BS7671 or where applicable BS7909.
  33. All temporary electrical wiring and distribution systems must be inspected and certified by a competent person before they are put to use.
  - 34.1 All electrical socket outlets provided for entertainers' portable equipment including instruments, lighting, video and sound

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amplification equipment must be protected by a residual current device (RCD) which is part of the fixed wiring.

- 34.2 The RCD must have a rated residual operating current not exceeding 30 milliamps and a maximum operating time of 30 milliseconds.
- 34.3 The normal and emergency lighting circuits must not be affected by the operation of any RCDs used to protect entertainers.
- 34.4 Before RCDs are used for an entertainment, the licence holder, a club official, manager or designated premises supervisor, must operate the test button, and where a fault is found, the affected socket(s) must not be used until the fault has been repaired.
- 35. An appropriately qualified medical practitioner must be present throughout a sports entertainment involving boxing, wrestling, judo and karate or similar.
- 36. Where a ring is involved, it must be constructed by a competent person, supported by any necessary documentation, and inspected by a competent authority. Any material used to form the skirt around the ring must be flame retardant.
- 37. At any wrestling or other entertainment of a similar nature, members of the public must not occupy any seat within 2.5 metres of the ring.
- 38. Sporting events involving any public contest, exhibition or display of total fighting are not permitted under the terms of this licence. The term total fighting includes any full contact martial arts involving the combined codes of judo, karate and ju-jitsu, judo, sombo and Olympic wrestling or any other mixed martial arts.
- 39. Any licensee wishing to hold a total fighting event on the licensed premises must first apply to the council for a variation of this licence and in the event that such application is granted, must comply with any additional conditions that may be imposed.



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40. At water sports entertainments, staff adequately trained in rescue and life safety procedures must be stationed and remain within the vicinity of the water at all material times.
41. No alterations must be made to the premises which make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition in question. The applicant will need to propose a new operating schedule reflecting the proposed alteration to the premises and how he or she intends to take alternative steps to promote the public safety objective and amend the risk assessment accordingly.
42. Where special effects are intended for use, including:
- dry ice machines and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics, including fireworks
  - real flame
  - firearms
  - motor vehicles
  - strobe lighting
  - lasers
  - explosives and highly flammable substances.

The responsible person must notify the licensing authority and submit a relevant risk assessment at least ten days prior to the event.

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

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
One to 100	One

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101 to 250	Two
251 to 500	Three
501 to 750	Four
751 to 1,000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

44. Attendants must not be engaged in any duties that would hinder the prompt discharge for their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
45. All attendants must be readily identifiable to the audience (but this need not entail the wearing of a uniform).
46. The premises must not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and must be shown to any authorised person on request.
47. No article must be attached to the back of any seat which would reduce the clear width of seats or cause a tripping hazard or obstruction.
48. A copy of any certificate relating to the design, construction and loading of any temporary seating must be kept available at the premises and must be shown to any authorised person on request.
49. Sitting on floors must not be permitted except where authorised in the premises licence or club premises certificate.
50. Waiting or standing must not be permitted except in areas designated in the premises licence or club premises certificate.

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51. In no circumstances must anyone be permitted to:
  - sit in any gangway
  - stand or sit in front of any exit
  - stand or sit on any staircase including any landings.
52. Except as authorised by the premises licence or club premises certificate, no drinks must be sold to or be consumed by a closely seated audience except in plastic and paper containers.
53. Clothing or other objects must not be placed over balcony rails or upon balcony fronts.
54. Any special effects or mechanical installation must be arranged and stored to minimise any risk to the safety of the audience, the performers and staff.
55. All special effects must be tested before the performance in respect of audience safety and to ensure that there is sufficient ventilation and extraction to prevent initiation of fire protection equipment.

Special effects include:

- dry ice machines and cryogenic fog
- smoke machines and fog generators
- pyrotechnics, including fireworks
- real flame
- firearms
- motor vehicles
- strobe lighting



- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- explosives and highly flammable substances.

In the case of any other special effects with safety implications prior notification must be given in writing by the responsible licensing authority at least 10 days before the event with details as to their use to enable the authority to consider if further inspection by the fire authority is necessary. It may be required that staff trained in fire prevention and extinction be present during any such performance.

56. Any scenery must be maintained flame-retardant.
57. Where a safety curtain is provided, it must be arranged to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.
58. Where a risk assessment requires a sprinkler or drencher all safety curtains incorporating a drencher, all smoke ventilators and sprinklers (where fitted) must be maintained unobstructed and in good working order.
59. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium must be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.
60. All ceilings in those parts of the premises to which the audience are admitted must be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.
61. Where the potential audience exceeds 250 all seats in the auditorium must, except in boxes accommodating not more than eight persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.



62. Where premises used for film exhibitions are not equipped with a staff alerting system the number of attendants present must be as set out in the table below:

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

63. Where premises used for film exhibitions are equipped with a staff alerting system the number of attendants present must be as set out in the table below:

Number of members of the audience present on the premises.	Minimum number of attendants required to be on duty.	Minimum number of other staff on the premises who are available to assist in the event of an emergency.
One to 500	Two	One
501 to 1000	Three	Two
1001 to 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises.	Five plus one for every 500 (or part thereof) persons over 2000 on the premises.

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64. Staff must not be considered as being available to assist in the event of an emergency if they are:
- the holder of the premises licence or the manager on duty at the premises
  - a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation
  - a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
65. Attendants must as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
66. The staff alerting system must be maintained in working order and be in operation at all times the premises are in use.
67. The level of lighting in the auditorium must be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (maintained lighting for cinemas).
68. No flammable films must be allowed on the premises without the prior notification of the licensing authority/fire authority.



## **Appendix 4**

### **Draft pool of model conditions relating to public nuisance**

1. All doors and windows at the premises must be kept closed when the licensable activities are taking place other than when doors are used for ingress or egress from the premises.
2. Noise generated by amplified music must be controlled by a noise limiting device set at a level determined by the local authority environmental health officer, such level being confirmed in writing to the licensee.
3. Noise limiting devices, once set, cannot be reset or adjusted without consultation with the local authority environmental health officer.
4. The lobby doors at the premises must be kept closed except for access and egress. Door staff must supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.
5. The use of fireworks and pyrotechnics is restricted to the hours of ..... to .....
6. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.
7. Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.
8. Lighting provided externally to promote advertising of the premises or activities associated with the premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.



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9. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
10. Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
11. Premises must enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.
12. Empty bottles must be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles must be removed from the public area on a frequent basis and transferred to the skip. Transfer to an external skip must not be undertaken after 11pm to minimise noise disturbance to adjoining properties.
13. Provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting and slamming car doors. The sounding of car horns must also be discouraged.
14. The premises licence holder, designated premises supervisor and any door supervisors must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
15. Take away packaging must include the name and address of the premises.



## Appendix 5

### Draft pool of model conditions relating to the protection of children from harm

1. Children under 18 years will not be allowed access to those premises.
2. Where the public are admitted to premises not serving alcohol for consumption on the premises, children under 12 unaccompanied by an adult over 18 must not be admitted after 11 pm.
3. Where the licensing authority classifies films for the admission of children under 18 years:
  - any film must be submitted to the Licensing Authority at least 28 days before it is shown for classification
  - the premises licence holder or club premises certificate holder must adhere to the age restriction imposed.
4. Only films that have been classified by the British Board of Film Classification as U, PG, 12A, 15 or 18 or as classified by any other body designated under section 4 of the Video Recordings Act 1984 or as otherwise classified by the licensing authority may be exhibited on the premises. The premises licence holder or club premises certificate holder must adhere to the age restriction in accordance with the following classification:
  - Universal (U) means films suitable for audiences aged 4 years and over
  - Parental Guidance (PG) means films where some scenes that may be unsuitable for young children
  - 12A means films passed only for viewing by persons aged 12 years or older or persons under 12 years when accompanied by an adult
  - 15 means films passed only for viewing by persons aged 15 years and over
  - 18 means films passed only for viewing by persons aged 18 years and over.



5. Immediately before the exhibition of a film there must be exhibited on screen for at least five seconds a representation or written statement of the film's classification in such a manner as can be easily read by all persons attending the entertainment and also in the case of a trailer advertising any film.
6. Where a film is to be shown that has been classified as 12A, 15 or 18 the licence holder must cause a notice to be displayed, in a conspicuous position, at the entrance to the premises or room in which the film is to be shown reading:

**PERSONS UNDER THE AGE OF [insert as appropriate] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**

This notice must refer to the oldest age restriction where films of different categories are included in one programme.

7. No children under the age of 18 years must be allowed access to premises during any time when an activity or entertainment of a sexual nature is being provided. For the purposes of this condition, entertainment of a sexual nature includes but is not limited to striptease (sometimes referred to as exotic dancing), lap dancing, pole dancing or any other entertainment of a similar nature.
8. No children under 18 must be admitted to any entertainment of an adult nature. For the purposes of this condition entertainment is regarded as being adult entertainment if it includes foul or abusive language, nudity or violence or which is likely to offend against good taste or decency.
9. Where entertainment is provided wholly or mainly for unaccompanied children:
  - there must be at least one attendant per 50 children or part thereof who must be on duty in the area(s) occupied by the children and stationed in the vicinity of each exit and at the head of each stairway
  - attendants must wear distinctive clothing or suitable armbands
  - attendants must be present throughout the entertainment and while the audience is entering and leaving the building.

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10. The performance of children in shows is regulated by the Children (Performances) Regulations 1968. The show venue must be large enough to safely accommodate the children backstage. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the children. You must consider the adverse effects of special effects upon the health and safety of children. Children must be supervised by an adult at all times.
11. Compliance with the Portman Group's retailer alert bulletins is required.
12. Proof of age evidence must be viewed before admission to the premises and underage persons must not be admitted. The age must be \* over 16 years or 18 years (\*delete as necessary).



## Appendix 6

### Table of delegations of licensing functions

Matter to be dealt with	Subcommittee	Officers
Application for personal licence	If a police objection made	If no objection made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection made	All other cases
Application for Interim Authority Notice	If a police objection made	All other cases
Application to review premises licence/club premises certificate	All cases	

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Decision on whether a representation is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases with discretion to refer to sub-committee



## Appendix 7

### Glossary of terminology

Club premises certificate	Means a certificate granted to a qualifying club under the act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members by or on behalf of the club.
Entertainment facilities	Defined as facilities for enabling persons to take part in entertainment of a description falling within those mentioned above for the purpose, or for purposes which include the purpose, of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
Hot food or hot drink	Food or drink supplied on or from any premises is hot for the purposes of Schedule 2 to the act if the food or drink, or any part of it: (i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature (ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.



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<p>Licensable activities and qualifying club activities</p>	<p>Defined in the licensing act as:</p> <ul style="list-style-type: none"> <li>(i) the sale by retail of alcohol</li> <li>(ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (iii) the provision of regulated entertainment</li> <li>(iv) the provision of late night refreshment - for those purposes the following licensable activities are also qualifying club activities</li> <li>(i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place</li> <li>(ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place</li> <li>(iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.</li> </ul>
<p>Operating schedule</p>	<p>Means a document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters:</p> <ul style="list-style-type: none"> <li>- The relevant licensable activities</li> <li>- The times at which licensable activities are to take place and any other times the premises are to be open to the public</li> <li>- Information about the designated premises supervisor</li> <li>- Whether any alcohol sales are on and/or off sales</li> <li>- The steps being taken to promote the licensing objectives.</li> </ul>
<p>Personal licence</p>	<p>Authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.</p>

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Premises licence	Authorises the premises to be used for one or more licensable activity.
Provision of late night refreshment	<p>Defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11pm and 5am <b>or</b></p> <p>At any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.</p>

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Regulated entertainment	<p>Defined as:</p> <ul style="list-style-type: none"><li>(a) a performance of a play</li><li>(b) an exhibition of film</li><li>(c) an indoor sporting events</li><li>(d) a boxing or wrestling entertainment</li><li>(e) a performance of live music</li><li>(f) any playing of recorded music</li><li>(g) a performance of dance</li><li>(h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).</li></ul>
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Responsible authority	<p>Defined as:</p> <p>i) the chief officer of police for any police area in which the premises are situated.</p> <p><b>The Chief Constable</b> <b>C/O Licensing Team</b> <b>Norfolk Constabulary</b> <b>Bethel Street Police Station</b> <b>Norwich</b> <b>NR2 1NN</b> <b>email: <a href="mailto:licensingream@norfolk.pnn.police.uk">licensingream@norfolk.pnn.police.uk</a></b></p> <p>ii) the fire authority for any area in which the premises are situated</p> <p><b>Fire safety department</b> <b>Norfolk Fire Service</b> <b>Carrow Fire Station</b> <b>63 Bracondale</b> <b>Norwich</b> <b>NR1 2EE</b> <b>email: <a href="mailto:kerry.larcombe@fire.norfolk.gov.uk">kerry.larcombe@fire.norfolk.gov.uk</a></b></p> <p>iv) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated</p> <p><b>Food &amp; Safety Team</b> <b>Norwich City Council</b> <b>City Hall</b> <b>St Peter's Street</b> <b>Norwich</b> <b>NR2 1NH</b> <b>email: <a href="mailto:foodandsafetyteam@norwich.gov.uk">foodandsafetyteam@norwich.gov.uk</a></b></p>
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	<p>v) the local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are situated</p> <p><b>Head of planning</b> <b>Norwich City Council</b> <b>City Hall</b> <b>St Peter's Street</b> <b>Norwich</b> <b>NR2 1NH</b> email: <a href="mailto:planning@norwich.gov.uk">planning@norwich.gov.uk</a></p> <p>vi) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health</p> <p><b>Public Protection</b> <b>Norwich City Council</b> <b>City Hall</b> <b>St Peter's Street</b> <b>Norwich</b> <b>NR2 1NH</b> email: <a href="mailto:environmentalprotection@norwich.gov.uk">environmentalprotection@norwich.gov.uk</a></p> <p>vii) a body which: represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters</p> <p><b>Norfolk Safeguarding Children Partnership</b> <b>Norfolk County Council</b> <b>County Hall</b> <b>Martineau Lane Norwich NR1 2DH</b> email: <a href="mailto:nscb@norfolk.gov.uk">nscb@norfolk.gov.uk</a></p>
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viii) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated

xv) in relation to a vessel:

a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities

### **Broads Authority**

**Yare House**

**62 – 64 Thorpe Road**

**Norwich**

**NR1 1RY**

### **Environment Agency**

**Dragonfly House**

**2 Gilders Yard**

**Norwich**

**NR3 1UB**

### **Canal & River Trust**

**1<sup>st</sup> floor north**

**Station House**

**500 Eldergate**

**Milton Keynes**

**MK9 1BB**

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any others specified by the secretary of state

- x) The local weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985) for any area in which the premises are situated is a responsible authority are so prescribed.

### **Norfolk Trading Standards**

**Norfolk County Council**

**County Hall**

**Martineau Lane**

**Norwich**

**NR1 2UD**

email: [tradingstandards@norfolk.gov.uk](mailto:tradingstandards@norfolk.gov.uk)

### **Home Office Immigration**

**Alcohol Licensing Team**

**Lunar House**

**40 Wellesley Road**

**Croydon**

**CR9 2BY**

email: [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

### **Public Health**

**Norfolk County Council**

**Martineau Lane**

**Norwich City Council NR1 2DH**

email: [licensingapplications@norfolk.gov.uk](mailto:licensingapplications@norfolk.gov.uk)



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