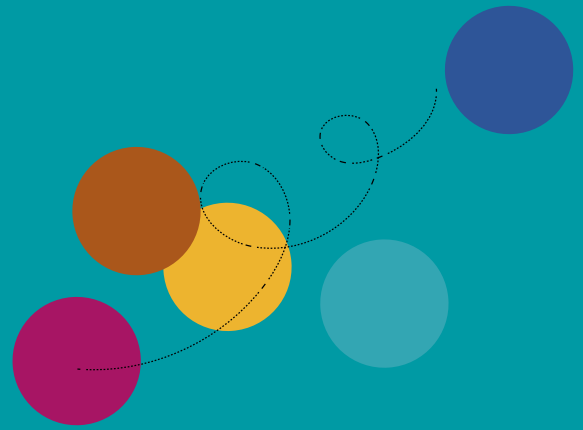




NORWICH
City Council



Statement of Licensing Policy

Licensing Act 2003

Policy

Title Statement of Licensing Policy



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Section A - premises licences

1. Introduction

1.1 This Statement of Licensing Policy explains how Norwich City Council (the Licensing Authority) applies the Licensing Act 2003. It tells premises operators and licence holders how to obtain a licence, what conditions may apply, and how we regulate licensing in the city. Our aim is to enable licensed premises to operate responsibly while protecting the public, especially children, women, girls and vulnerable people.

1.2 Norwich City Council is a non-metropolitan district council with city status, covering an area of 39 square kilometres (15 square miles). The district consists entirely of the urban area of Norwich and is surrounded by parishes governed by neighbouring district councils rather than parish councils within the city itself. The population of Norwich is estimated at 144,525 (mid-2022 ONS), with around 13% of residents from minority ethnic backgrounds.

[\[varbes.com\]](https://www.varbes.com)

Norwich is a nationally significant historic city and a recognised cultural centre. As one of the UK's oldest cities, it retains a rich heritage, medieval street pattern and two cathedrals. The city is also a major regional hub for education, being home to the University of East Anglia (UEA) and the Norwich University of the Arts, contributing to a large student population and a strong creative and research economy. Norwich has good rail links to London, Cambridge, and the wider region, supporting commuter movements and regional economic activity. [\[en.wikipedia.org\]](https://en.wikipedia.org)

Tourism and leisure play a central role in Norwich's economy. In 2023, the city welcomed 12.9 million visitors, including 419,800 overnight trips, generating a total visitor spend of over £585 million and an overall tourism value of £769.35 million. Tourism activity supports an estimated 13,571 jobs, accounting for around 14% of total employment in the city. The tourism sector brings significant economic benefits; however, as in many historic cities, high visitor numbers can place pressures on local infrastructure, housing, transport, and the balance between resident and visitor needs. [visitnorwich.co.uk], [workinnorwich.co.uk]

Norwich has a diverse and vibrant licensed trade, with a wide range of premises offering alcohol sales, entertainment, and late-night refreshment. These include traditional pubs, cafes, restaurants, theatres, music venues and retail premises. The Licensed Premises Register, maintained by Norwich City Council, documents approximately 680 venues legally entitled to sell alcohol or host regulated entertainment within the authority area.

[\[norwich.gov.uk\]](https://norwich.gov.uk)

The city's cultural and leisure offer is broad and well-established. Norwich hosts theatres such as Norwich Theatre Royal and Norwich Playhouse, multiple cinemas, historic pubs, arts venues and museums. Retail is a key

part of the local economy, with both major national retailers and a distinctive independent shopping sector centred around the Norwich Lanes. The hospitality and retail sectors remain important employers, supported by steady visitor numbers and strong local demand. [workinnorwich.co.uk]
Overall, Norwich is a thriving regional centre characterised by its heritage, strong visitor economy, significant student presence, and a broad range of licensed and cultural premises that contribute to its vibrancy and economic growth.

1.3 Norwich City Council is the Licensing Authority under the Licensing Act 2003 (“the 2003 Act”) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the City in respect of licensable activities, which are:

- the sale 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 is 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

- 1.4 Any regulated entertainment must be provided either to members of the public or members of a club and their guests or, alternatively, to a private audience but a charge is made by the person organising or managing the entertainment. This can include a private function put on to make a profit even if the proceeds go to charity. If the charge purely covers the costs of putting on the entertainment then no licence would be required.
- 1.5 Any games commonly played in public houses would not require a licence because they are not put on for the benefit of an audience. However, if the darts team is in a league or there are demonstration matches put on to which customers are invited, then a licence would be required.
- 1.6 There are various exemptions for certain forms of entertainment, typically between the hours of 08:00 and 23:00 up to an audience of 500 (or 1,000 for indoor sporting events).
- 1.7 The law around what entertainment does require a licence is complicated and more specific Guidance can be found at paragraph 16 of the Statutory Guidance
- 1.8 Late night refreshment is defined as the supply of hot food or hot non-alcoholic 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.
- 1.9 The 2003 Act requires the Licensing Authority to carry out its various licensing functions 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.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

The 2003 Act also requires that the Licensing Authority 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.

- 1.10 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 2003 Act by the Secretary of State. This policy takes effect on DATE 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 review.
- 1.11 The Licensing Authority has chosen to consult with the following persons or bodies (please note those labelled a) to g) are statutory consultees:
- a) Chief Officer of Police for the Licensing Authority's area.
 - b) The Fire and Rescue Authority for the area.
 - c) The Director of Public Health.
 - d) Such other persons as the Licensing Authority considered to be representative of holders of Premises Licences issued by the Licensing Authority.
 - e) Such persons as the Licensing Authority considers to be representative of holders of Clubs Premises Certificates issued by the Licensing Authority.
 - f) Such persons as the Licensing Authority considered to be representative of holders of Personal Licences issued by the Licensing Authority.
 - g) Such other persons as the Licensing Authority considered to be representative of businesses and residents in the area including, for

example :

- transport providers
- East of England ambulance service
- Planning Department
- Visit Norwich
- Ward Councillors
- Norwich BID
- Business crime reduction partnerships
- Norwich University of the Arts and the University of East Anglia

1.12 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 11 pm. The policy cannot provide for every eventuality but sets out the factors and the Licensing Authority's policies that will influence the promotion of the licensing objectives.

1.13 The licensing function cannot be used for the general control of antisocial behaviour of individuals once they are beyond the direct control of the managers of the premises. However, premises licence holders and their management and holders of club premises certificates 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 premises. 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 the city centre, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of the Council to designate parts of the Council's area as places where alcohol may not be consumed publicly
- the confiscation of alcohol from children and adults in designated areas
- police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- the exercise of police powers to close premises instantly for 24 hours on the grounds of disorder or likely disorder or noise nuisance
- the prosecution for the offence of selling alcohol to people who are drunk (or allowing such a sale)
- 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
- issuing Community Protection Notices
- raising a contribution to policing the late-night economy through a Late-Night Levy
- using an Early Morning Restriction order

1.14 This policy does not seek to undermine the right of any individual to apply under the terms of the 2003 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 2003 Act.

2. Links to other policies and strategies

2.1 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

2.2 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.

2.3 Organisations providing access to goods, facilities and services, are subject to disability discrimination laws simplified in the 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).

2.4 The Health Act 2006 was 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. 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

2.5 So far as possible, the Licensing Authority will avoid duplication with other regulatory regimes or other enforcement agencies. As an example, the Licensing Authority 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.

2.6 The Statutory Guidance encourages co-operation where applicants have indicated that they have also applied for planning permission or that they intend to do so; licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

2.7 The Council's planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. 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.

2.8 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.

2.9 This statement of licensing policy complements local economic, cultural

and night time economy strategies and works side by side with local planning policies.

- 2.10 It is important that licensing and planning policies work in harmony to support vibrant, mixed-use areas, revitalise City Centre streets and unlock investment in the night-time economy.
- 2.11 The Licensing Authority will seek to adopt the Agent of Change Principle from planning legislation in that existing businesses should not have unreasonable restrictions placed on them due to new development nearby. When considering an application or review of a Premises Licence or club premises certificate, the Licensing Authority will take cognisance of the fact that the existing licensed premises were there before the occupier of any new development which has been built or constructed in the area near to the existing licensed premises. Those constructing such developments needed to take responsibility for mitigating any impact that the noise from the existing business of the licensed premises would have on the occupiers of any new development, whether they be businesses or residents. This will help to promote the viability of existing pubs, music venues, cultural spaces and events which have been there before the construction of any new residential or business development.
- 2.12 If other statutory requirements apply to the provision of any regulated activities at a premises, 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.
- 2.13 The Council is committed to working with other stakeholders to develop strategies to tackle certain forms of criminal behaviour which has become more prevalent in the night-time economy, including harassment, discrimination, violence against women and girls, spiking and sexual assaults. The Council will work with other stakeholders such as Norfolk Constabulary, Norwich BID etc. to develop a night-time safety charter to address such forms of criminal behaviour. Premises Licence Holders and applicants for Premises Licences are encouraged to consider incorporating safeguards against such forms of behaviour within its operation, and specific helpful material can be found at:
- nightsafespaces.com/home
 - safersounds.org.uk/wave-training-2021

- askforangela.co.uk
- askforclive.com
- <https://www.substancemisuseresources.co.uk/harm-reduction-information/clubbing-and-drugs>
- <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/campaigns/operation-makesafe/>
- <https://ntia.co.uk/night-safe-champion/>
- <https://sixtillsix.com/safety-initiatives-in-the-night-time-economy/>

3. Applications for Licences

- 3.1 The 2003 Act specifies the persons and organisations who can apply for a club registration certificate or a premises licence. In respect of a premises licence this includes a person who carries on or who proposes to carry on a business involving the use of the premises for the licensable activities to which the application relates. If any other permission to use the premises were needed, in respect of planning permission or property owner's consent for example, this would be dealt with under separate legislation.
- 3.2 To assess applications for premises licences, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. (Guidance notes for applicants will be available).
- 3.3 Applicants should address the four licensing objectives in their operating schedule. The operating schedule should have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, and the hours of the proposed licensable activities. The operating schedule is expected to demonstrate how the premises will be 'good neighbours' both to residents and to other venues and businesses consistent with the licensing objectives.
- 3.4 Applicants should consider what steps are appropriate for the promotion of the licensing objectives and include these steps. These should be appropriate to the individual operation, location and characteristics of their premises and activities. They must also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger

audiences.

- 3.5 At Appendix 8 is a flow chart to assist applicants with applications for New Premises Licences. At Appendix 9 is a flow chart to assist Premises Licence Holders with applications for full variations and at Appendix 10 is a flow chart to assist Premises Licence Holders with applications for a minor variation.
- 3.6 The Licensing Authority may refuse any application that fails to satisfy the requirements of the 2003 Act or the Regulations to the 2003 Act. Incomplete applications will be returned with an explanation of why it is incomplete. Applications will not be returned for obvious and minor errors such as typing mistakes or small errors that can be rectified with information already in the Licensing Authority's possession. It is recommended that applicants seek their own independent legal advice.
- 3.7 **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 ends. Home Office Immigration Enforcement are a Responsible Authority so can comment on applications and make representations on the basis of the legal requirement of a right to work in the UK.
- 3.8 **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:
- a change of 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 requirement for a designated premises supervisor

- an application for a minor variation

- 3.9 Minor variations will generally fall into four categories - minor changes to the layout of a premises; small adjustments to licensing hours (see paragraph 3.10 below for changes to the hours for the sale of alcohol); the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and the addition of certain licensable activities. In all cases, the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.
- 3.10 Variations to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11 pm 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 Licensing Authority, if they relate to the promotion of the four licensing objectives. Representations must be evidentially based and the Responsible Authority 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 Licensing Authority will consider all valid representations, 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 Licensing Authority if it is relevant i.e. it must relate to the likely effect of granting the application 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 that is regarded as repetitious, may not be considered. An officer of the Licensing Authority will make a decision as to whether a representation is frivolous, vexatious or repetitive. Generally, a review brought by the same person (other than a Responsible Authority) on the same grounds as an objection to an application for the same Premises Licence or the review of the same Premises Licence may be regarded as repetitive if made within 12 months of the previous objection / review.

- 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 there is evidence to support such a representation.
- 4.5 The Licensing Authority may also decide in cases where the Licensing Authority is satisfied that there is evidence to suggest fears of intimidation or violence are justified it may 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 assist an applicant to identify the area where the interested person lives. 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. Different officers of the Licensing Authority will administer the application and make a representation as a Responsible Authority.
- 4.7 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.

5 Conditions attaching to licences

- 5.1 Where relevant representations are made, the Licensing Authority 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, costly 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 proportionate (model conditions are attached at Appendices 1, 2, 3, and 4). The imposition of any condition whether a model condition or otherwise should only be done so where it is appropriate and proportionate to promote the licensing objectives. The model conditions should not be treated as “standard” conditions and should not be simply imposed on a Premises Licence to bring it up to date, and there must be a legal basis for attaching any conditions to a Premises Licence.
- 5.4 Any conditions imposed will be relevant to the application which is being considered by the Licensing Authority and will only be imposed if the conditions promote the licensing objectives for the application before the licensing sub-committee. So, as an example, any conditions on an application to vary a premises licence from midnight to 02:00 should focus on the hours between midnight and 02:00. A variation of a premises licence should never be treated as a review of the existing premises licence. There is a separate legal mechanism to deal with concerns over existing licences.
- 5.5 If an 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 Licensing Authority 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 on its website 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 8.
- 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 Determining Applications

- 7.1 Where there are no relevant representations made to an application, the Licensing Authority has no discretion other than to grant the application under delegated authority. Conditions will be imposed on the Premises Licence which are consistent with the operating schedule, but any conditions imposed will be necessary and proportionate and will be fit for purpose and support the evolving needs of the business and community.
- 7.2 Where relevant representations are made, then the Licensing Authority must determine the application at a hearing of the Council's Licensing Sub-Committee. Each case will be determined on its merits and whilst the Licensing Authority acknowledges that Responsible Authorities and anybody else who may have objected to an application do not need to attend the hearing, it would be helpful if any persons making representations did attend. The Licensing Authority would expect that any evidence that is to be relied upon at the hearing to be provided at least 7 days prior to the hearing. Should evidence be received any later than that then, depending upon the extent of that evidence and its complexity, the Licensing Sub-Committee may defer the application to either another time on the same day or another day. If any evidence is produced at the hearing itself, then such evidence is only admissible at the hearing should all parties at the hearing agree to its inclusion.
- 7.3 The Licensing Authority recognises the strategic direction which is put forward in the National Licencing Policy Framework but also needs to ensure that communities are protected and the licensing objectives are promoted.
- 7.4 The Licensing Authority will, subject to any relevant representations which evidence that the licensing objectives will be undermined, look to support the Government's wider ambitions of economic growth, public health and cultural vitality. Licences will be granted on terms sought with conditions that are necessary and proportionate, and which will help businesses to evolve both in the long term and also on a day-to-day operational basis. Decisions will not always be protective and restrictive, but will be evidence based, proportionate and enable operators to have freedom and flexibility to meet customer expectations, diversify their offer and invest in innovation.

8 Service Standards

- 8.1 The Licensing Authority strives to respond to all telephone calls where messages are left and to all emails within [3] working days.
- 8.2 The Licensing Authority will strive to ensure that any hearings are held in a timely fashion and no later than the statutory deadlines set out in the Licensing Act 2003 (Hearings) Regulations 2005.
- 8.3 The Licensing Authority will aim to send any newly granted Premises Licences or amended Premises Licence to the Premises Licence Holder within [10] working days of an application for a new Premises Licence or a variation having been determined.
- 8.4 The Licensing Authority will aim to have any full written decisions following a contested hearing provided to the parties to the hearing within [20] working days of the hearing.

9 Need for licensed premises

- 9.1 The Licensing Authority acknowledges that need, in the sense of the commercial demand for further licensed premises, is not a licensing policy matter. Therefore, licensing decisions will not take these issues into account.

10 The impact of licensed premises

- 10.1 When considering whether any licensable activity should be permitted, or the hours for it extended, 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 nature of the locality and the proximity of residents
 - 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 frequency of the licensable activity.

10.2 With any adverse impact, it may be possible to impose conditions on the premises licence to mitigate or prevent the impact and if such conditions are practical, proportionate and appropriate, an activity or later hours may be licensed.

11 Advice and guidance

11.1 Where possible the licensing team will provide advice and guidance to applicants. Where an applicant considers that mediation and liaison may be realistic and may find a solution to potential objections, 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 restricts the opportunity for such discussions, liaison and mediation.

12 Reviews of licences and certificates

12.1 A premises licence or club premises certificate will be reviewed if the Council receives a valid review application. Where practicable, the Council will mediate between applicants for a review, relevant Responsible Authorities and occupiers of nearby premises, local residents' groups, community or interested groups and premises licence or club premises certificate holders where significant issues have arisen relating to a premises licence. Where possible, the Licensing Authority will mediate by arranging meetings between relevant parties and where possible suggesting potential conditions to resolve the review. This process will not override the right of any interested person to ask that the Licensing Authority consider their valid objections or for any licence holder, Responsible Authority or applicant for a review to decline to participate in a mediation meeting. Where mediation is not practicable or fails, the Licensing Authority will advise the parties of the provisions of the 2003 Act concerning a formal review of the licence.

12.2 Responsible Authorities should, where practicable, give early notice to licence holders or club premises certificate holders of any concerns about

problems identified at premises and in need of improvement. An application for a review by a Responsible Authority of any licence should only be sought if such notice has failed to resolve the matter or problem, although in certain instances, urgent action will be needed and to promote the licensing objectives it is not practicable to provide any advance notice of concerns.

- 12.3 The Licensing Authority expects that any Responsible Authority or interested person will provide an evidentiary basis to support their application for a review of a premises licence.

13 Enforcement

- 13.1 The Licensing Authority will investigate allegations of unlicensed activities to ensure that licence conditions are complied with.
- 13.2 The Council may 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.
- 13.3 The Council has adopted a Corporate Enforcement Policy 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. A link to the Corporate Enforcement Policy is below:
https://forms.norwich.gov.uk/info/20627/corporate_enforcement_policy
- 13.4 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. The Council and police will work together to focus resources on problem premises or locations and, where possible, will ensure that visits and inspections are coordinated. Use will be made of any available data such as crime reports, complaints, ambulance demand and any licensing enforcement action to inform local policies and individual decisions.
- 13.5 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.

- 13.6 Where a successful prosecution is instigated by a Responsible Authority, that authority should consider making an application to the Licensing Authority to review the premises licence.

14 Management of licensed premises

- 14.1 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 (not a Scottish 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, the hours the premises operate and the capacity of the premises.
- 14.2 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 2003 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 authorisation to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the 2003 Act and the DPS/ premises licence holder remain ultimately responsible for ensuring compliance with the 2003 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 a 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.

15 Live music, dancing and theatre

- 15.1 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.
- 15.2 Applications which promote live music, theatre, dancing and other forms of entertainment will be generally welcomed, subject to any potential they have to undermine the licensing objectives and the protection of local communities.
- 15.3 When considering applications for such entertainment and the imposition of conditions on licences or certificates, the Council will carefully balance the cultural benefits of such entertainment with the necessity of promoting the licensing objectives.
- 15.4 Consideration will be given to the particular characteristics of any entertainment, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 15.5 The Council has obtained premises licences in its own name for public spaces and streets within the community. 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.
- 15.6 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.

16 Temporary event notices (TENs)

- 16.1 Temporary event notices authorise one-off licensable activities on a premises (which includes outdoor areas). There are certain restrictions relating to temporary event notices set out in the 2003 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 limits on the number of TENs that persons can issue in a calendar year. Those 15 TENs cannot cover more than 21 days in a calendar year. A TEN from 23:00 to 01:00 the following morning would

constitute a TEN over 2 days. 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 premises licence.

- 16.2 If not issued online through the Council's website, TENs must be issued using the prescribed form. TENs must be given to the Licensing Authority, the police and the environmental protection team 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, nor do the 10 working days include the first day of the event, weekends or bank holidays. Those issuing TENs are however encouraged to give as much notice as possible. Late temporary event notices can be given from nine to five clear working days before the date of the event but should the police or environmental protection team object, this will mean the TEN cannot go ahead. There can be no hearing to consider a late TEN..
- 16.3 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 environmental protection officers at the Council as soon as reasonably practicable, and before submitting formal notification. This will enable the police and the environmental protection team to work with them to identify and reduce the risk of problems. If agreement on these issues cannot be reached, and a TEN is still given to the Licensing Authority, the Licensing Authority will expect the police and / or public protection to object to the notice thereby invoking the procedure as required by section 105 of the 2003 Act.

Special events

- 16.4 Much larger crowds may be attracted to large-scale events which cannot be covered by a TEN 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 is expected that the public safety, crime and disorder as well as public nuisance licensing objectives in particular are fully considered, and it is for that reason that organisers may find it helpful to refer to the following documents:

- The Purple Guide to Health, Safety and Welfare at Outdoor Events.
www.thepurpleguide.co.uk

- 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 [The Guide to Safety at Sports Grounds (Sixth Edition 2018)])
- 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.

17 Sexual entertainment

- 17.1 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 Licensing Authority will take into consideration any increased risk to the promotion of the licensing objectives. In particular, the Licensing Authority 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.
- 17.2 Where applications for premises licences or club premises certificates include striptease or any other kind of nudity in the licensable activities, the Licensing Authority 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.
- 17.3 In order to promote the licensing objectives, where the Licensing Authority 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
 - not advertising the activities outside the premises
 - measures to ensure that no person under 18 years of age enters the premises

- 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.

17.4 **Sexual entertainment venues;** Section 27 of The Policing and Crime Act 2009 (“the 2009 Act”) allows local authorities to regulate lap dancing clubs and similar venues under the 2009 Act. The Council has adopted these provisions and a separate policy is in place for these premises. Should premises provide striptease or entertainment of a similar nature more than once a calendar month (with at least a calendar month between each such performance) then a licence under the 2009 Act will be legally required.

18 Takeaway premises

- 18.1 Operators of premises where food or drink is provided in disposable containers for consumption elsewhere other than on the premises, are expected to consider the effect of litter in the vicinity of their premises.
- 18.2 Where the Licensing Authority consider it appropriate it may impose conditions on licences to require the operators of premises serving customers with takeaway food or drink after 11 pm to provide litterbins near the premises, subject to any necessary approval from the Council. This is to prevent the accumulation of litter from customers, provided that the land where the bins would be placed is under the control of the licence holder.
- 18.3 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 at their premises who have been drinking alcohol.

19 Eating and drinking outside premises

- 19.1 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 nor to residents living nearby

19.2 Where outdoor areas are permitted, the premises licence holder 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 collect drinking vessels, crockery, cutlery and litter on a regular basis, all of which may be prescribed as a condition on the licence.

19.3 Operators should be aware that the provision of furniture (including tables, chairs barriers etc.) on the public highway requires a separate permission in accordance with The Business and Planning Act 2020 as amended by The Levelling Up and Regeneration Act 2023 or any other relevant legislation that might be in force at the time.

www.norwich.gov.uk/licensing/pavement-licensing

20 Premises selling alcohol for consumption off the premises

20.1 Due to increased levels of street drinking and associated crime, disorder, nuisance and anti-social behaviour, Norfolk Constabulary and the Licensing Authority may ask applicants who only apply to sell alcohol for consumption off the premises to include a condition within their application that prevents certain categories of alcohol from being sold over a specified alcohol by volume. Where any reviews are brought against premises which permit the sale of alcohol only for consumption off the premises on the basis of nuisance, disorder and criminal behaviour associated with the consumption of high strength alcohol, then the Licensing Committee considering any such review will also consider the imposition of such conditions on a case by case basis.

Section B - Licensing objectives

21 Overview of licensing objectives

21.1 The following sub sections set out the Licensing Authority'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.

21.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome. 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 explain the individual style and characteristics of their premises and the licensable activities for which they are seeking a licence.

21.3 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.

21.4 In addition, the Licensing Authority 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 be appropriate and proportionate to attach 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.

21.5 The selection of control measures can be based upon a risk assessment of

the premises, the events to be held there, the activities to be provided the customers expected to attend (e.g. their age, number, etc.) and the location of the premises. While the Licensing Authority 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 premises licence holder, in the event of requiring to make application for variation or in response to changing circumstances at the premises.

- 21.6 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 promote the licensing objectives.
- 21.7 Effective and responsible management of the premises, instructions to staff, training of staff, supervision of staff and the adoption of best practice should be regarded as some of the most essential control measures for the promotion of the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.

22 Objective - prevention of crime and disorder

- 22.1 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 Council, and others, to consider crime and disorder reduction when exercising their statutory functions. The 2003 Act reinforces this duty for Licensing Authorities.
- 22.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on premises 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.
- 22.3 When addressing the issue of crime and disorder, the applicant should

demonstrate that all those factors that impact upon crime and disorder have been considered. These include:

- underage drinking
- drunkenness on premises
- keeping illegal activity such as drug taking and dealing, possession of offensive weapons and sales of contraband or stolen goods from the premises
- preventing disorderly and potentially violent behaviour and outside the premises
- reducing antisocial behaviour and disorder inside and outside the premises
- preventing unauthorised advertising of alcohol
- protecting people and property from theft, vandalism and assault
- guarding against glasses and bottles being used as weapons or causing accidents
- protecting people from the risk of harassment and abuse, including sexual harassment, and protecting vulnerable adults from harm

22.4 The following examples of control measures are given to assist applicants who may need to include reference to them in their operating schedule, having regard to their particular type of premises, licensable activities, likely numbers attending and location of the premises:

- providing effective and responsible management of premises
- providing an effective CCTV system in and around the premises
- training and supervision of staff
- employing sufficient numbers of staff to keep the number of people waiting for service down
- providing sufficient seating for customers

- use of patrols of staff or door staff around the premises
- ensuring sufficient lighting and visibility and removing obstructions if necessary to discourage illegal activity
- introducing an entry policy - making people aware of it - and applying it consistently and fairly
- implementing a search policy to prevent drugs, offensive weapons etc. being brought onto the premises
- implementing effective management of entrance queues - incorporating barriers if necessary (separate permission under the Levelling Up and Regeneration Act 2023 may be required)
- adopting best practice Guidance e.g. safer clubbing, the national alcohol harm reduction strategy toolkit, and other voluntary codes of practice, including those relating to drinks promotions
 - nightsafespaces.com/home
 - safersounds.org.uk/wave-training-2021
 - askforangela.co.uk
 - askforclive.com
 - <https://www.substancemisuseresources.co.uk/harm-reduction-information/clubbing-and-drugs>
 - <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/campaigns/operation-makesafe/>
 - <https://ntia.co.uk/night-safe-champion/>
 - <https://sixtillsix.com/safety-initiatives-in-the-night-time-economy/>
 - <https://www.portmangroup.org.uk/wp-content/uploads/2019/09/Code-of-Practice-on-the-Naming-Packaging-and-Promotion-of-Alcoholic-Drinks-Sixth-Edition.pdf>

- adopting a Challenge 21 or Challenge 25 scheme and the acceptance of accredited proof of age cards e.g. PASS cards driving licences with photographs, passports and military ID cards or when legally able to do so, digital ID.
- providing effective CCTV in and around premises
- employing security industry authority licensed door staff to manage the door and minimise disorder
- ensuring glasses are collected on an ongoing basis, making regular inspections for broken glass
- providing toughened or plastic drinking vessels and bottles
- providing bottle bins inside the premises and near exits
- providing secure, deposit boxes for confiscated items i.e. drug and weapon amnesty safes
- display information for staff and customers on drug awareness including the spiking of drinks with drugs
- providing litterbins and other security measures, such as lighting outside premises
- attending meetings of the Late-Night Norwich Forum
- advertising the sale of alcohol responsibly
- preventing the distribution of promotional leaflets, posters etc.
- becoming a member of a recognised radio scheme
- working in partnership with the SOS bus scheme
- banning known offenders and sharing information with other licensed premises in the area of such offenders
- implementing a dispersal policy
- introducing a closed door policy, with admission prohibited for new customers at a specified time or at a stated time 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).
- providing support, information and contact points for reporting harassment and abuse including sexual harassment, and protecting vulnerable adults from harm

23 Model conditions (crime and disorder)

23.1 Draft model licence conditions relating to crime and disorder are attached at Appendix 1. Refer also to section A, paragraph 5.

24 Objective - public safety

24.1 The safety of any person visiting or working in licensed premises must not be compromised. Applicants are expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.

24.2 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/43876>

24.3 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)
- the 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
- The safety of members of staff when they have finished work and are then travelling home late at night or in the early hours of the morning.

24.4 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 activities:

- having suitable and sufficient risk assessments
- ensuring effective and responsible management of premises
- providing a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- having effective management of the number of patrons within different parts of the premises
- determining sensible occupancy limits according to the nature of the premises and activities being carried out
- imposing occupancy limits rigorously, employing registered door staff as necessary, in order to manage occupancy
- using automated systems such as electronic door counters,
- training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adopting 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); The Event Safety Guide (The Purple Guide), Managing Safety in Pubs published by National Pubwatch

- implementing crowd management measures

- Providing free or subsidised transport for members of staff who need to travel home late at night or in the early hours of the morning after they have finished work.

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25 Model conditions (public safety)

- 25.1 Model licence conditions relating to public safety are attached at Appendix 2. Refer also to section A, paragraph 5.

26 Objective - prevention of public nuisance

- 26.1 Licensed premises can potentially have a significant adverse impact on communities through public nuisance that arises 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 balancing these against and recognising the valuable cultural, social and business importance that such premises provide.
- 26.2 Public nuisance will be interpreted in its widest sense, and will include issues such 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.
- 26.3 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 where it can be demonstrated have effective measures to prevent public nuisance or are not in residential areas, may be suitable for longer opening hours.
- 26.4 The Licensing Authority will normally permit the hours during which alcohol is sold in shops, stores and supermarkets to match the normal trading hours during which other sales take place, unless there are reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 26.5 The Licensing Authority 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.
- 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 prevent public nuisance, relevant to the location, individual style and characteristics of their premises and events. For example, should applications or premises licence holders wish to provide live

or recorded music in premises where this has not previously been the case this should be fully assessed on the application in light of the general deregulation of entertainment (see paragraphs 1.3 to 1.7 of this policy).

26.7 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
- local residents who may be upset by loud or persistent noise or by excessive light
- the hours of opening, particularly between 11 pm 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 of 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
- customers eating, drinking or smoking in open-air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

26.8 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:

- having effective and responsible management of premises.
- having appropriate instruction, training and supervision of those employed or engaged at the premises to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.
- fitting prominent signs requesting that customers respect local residents and leave quietly.
- controlling operating hours for all or parts (e.g. garden areas) of

premises.

- avoiding early morning or late-night deliveries
- adopting best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics),
- installing soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- managing people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- liaising with public transport providers and taxi firms / Uber.
- the siting of external lighting, including security lighting.
- managing arrangements for collection and disposal of waste, empty bottles so avoiding early morning or late-night collections.
- installing effective ventilation systems to prevent the emission of unwanted odours.
- preventing littering
- using take away packaging including the name and address of the premises on it.
- limiting the capacity of fast food outlets.
- introducing a chill out area with soft drinks and lower volume music where customers can settle before leaving.
- introducing a closed-door policy, with attendance prohibited for new customers beyond a set time.
- using signage asking customers to keep noise to a minimum when using outdoor areas;
- restricting the numbers of customers permitted in certain outside areas and/or at certain times;
- using door-staff and employees to monitor possible public nuisance issues.
- using a wind down period between the end of the licensable activities and closure of the premises
- adopting a last admission time
- preventing litter and refuse becoming an eyesore

- preventing cars or vehicles attending an event or premises (including cars or vehicles used for home deliveries) from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

27 Model conditions (public nuisance)

27.1 Model licence conditions relating to the prevention of public nuisance are attached at Appendix 3. Refer also to section A, paragraph 5.

28 Objective - protection of children from harm

28.1 The Licensing Authority will consult with the appropriate local child protection body when considering applications for licences.

~~28.2~~ 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.

28.3 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 takes into account their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.

28.4 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 a person who has given a temporary event notice.

28.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving the following are taking place - topless bar staff, striptease, lap, table or pole dancing, performances involving (but not limited to) 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.

28.6 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.

28.7 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
- where children are employed in the premises

28.8 The Licensing Authority 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 Licensing Authority 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.

28.9 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:

- having effective and responsible management of premises.
- providing a sufficient number of people employed or engaged to secure the protection of children from harm.

- having appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- adopting best practice guidance (e.g. Minor Sales Major Consequences).
- ensuring 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.
- limiting the hours when children may be present, in all or parts of the premises.
- limiting or excluding when certain activities are taking place.
- imposing requirements for children to be accompanied by an adult.
- training staff to deal with - and be vigilant about - potentially harmful situations, e.g. children in the presence of adults who are excessively drunk.
- accepting only accredited proof of age cards (PASS cards), driving licences passports, military ID cards or, when legally able to do so, digital ID.
- adopting measures to ensure children do not purchase, acquire or consume alcohol.
- adopting measures to ensure children are not exposed to incidences of violence or disorder.
- adopting measures to ensure children employed as staff are protected from harm

These examples can be adopted in any combination.

28.10 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.

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

29 Model conditions (protection of children)

- 29.1 Model licence conditions relating to the protection of children are attached at Appendix 4 refer also to section A, paragraph 5.

Section C - personal licences

30 Personal licences

- 30.1 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.
- 30.2 The Licensing Authority 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
 - is entitled to work in the UK
- 30.3 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)
- 30.4 The certificate must not be more than one month old at the date of application.
- 30.5 The Licensing Authority will liaise with Norfolk Constabulary when an applicant has an unspent conviction for a relevant offence defined in the 2003 Act. When the police object to the application, a licensing subcommittee will deal with the application. 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.

30.6 Personal licences have no expiry, but holders of personal licences are reminded of their duty to notify the Licensing Authority who granted the licence of:

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

Section D - cumulative impact

31 Cumulative impact

31.1 Cumulative impact means the potential impact of a significant number of licensed premises or types of licensed premises, being concentrated in one area on the promotion of the licensing objectives. The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority can consider in its licensing policy.

31.2 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 a matter for the market to decide and does not form part of this licensing policy statement (see paragraph 7 of Section A).

31.3 There is currently no special policy relating to cumulative impact in force in the Norwich City Licensing Authority area. The Licensing Authority 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.

31.4 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 city environment in partnership with local businesses, transport operators and other departments of the local authority
- the provision of CCTV surveillance in the city centre, ample taxi ranks,

provision of public conveniences open late at night, street cleaning and litter patrols

- powers of the Council to designate parts of the Council's area as places where alcohol may not be consumed publicly
- the confiscation of alcohol from children and adults in designated areas
- police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- the exercise of police powers to close premises instantly for 24 hours on the grounds of disorder or likely disorder or noise nuisance
- the prosecution for the offence of selling alcohol to people who are drunk (or allowing such a sale)
- 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
- issuing Community Protection Notices
- raising a contribution to policing late night economy through a Late-Night Levy
- using an Early Morning Restriction order

31.5 Cumulative impact assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017 with effect from 6th April 2018. A CIA may be published by a Licensing Authority to consider limiting the number or types of licence applications in areas where there is evidence of a cumulative impact from licensed premises. Section 5A of the 2003 Act 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 for the licensing committee and subject to the consultation and approval process.

31.6 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

31.7 An area of Norwich was previously subject to a cumulative impact special policy but this currently 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 Licensing 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.

31.8 It is the intention of the Licensing Authority to undertake a cumulative impact assessment in the next [12 months].

Section E - hours of trading

32 Hours of trading

- 32.1 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 should consider hours of trading, as an important issue, when preparing their operating schedules.
- 32.2 In determining its policy on the hours of trading, the Licensing Authority has considered those parts of the Secretary of State's Guidance to the act that relate to hours of trading. These are covered in paragraphs 14.51 and 14.52 of the Guidance, as replicated below.

10.13 Licensing Authority.

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the Licensing Authority power to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other Responsible Authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving consideration to the merits of each application.

14.52 Statements of licensing policy should set out the Licensing Authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local

communities, and has given Councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

- 32.3 While consideration will be given to the individual merits of each application in respect of hours for licensable activities and opening it may be necessary to consider limiting hours for licensable activities and opening where it would assist in promoting the licensing objectives.
- 32.4 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 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.
- 32.5 Where relevant representations are received from either a Responsible Authority or an interested person, and those representations relate to the hours for licensable activities and opening then subject to above, the Licensing Authority 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 and proportionate to do so in order to promote one or more of the licensing objectives which may not be achieved without such restrictions. The Licensing Authority may impose different restrictions on hours for different licensable activities and for different days of the week.
- 32.6 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.
- 32.7 Consideration will always be given to an applicant's individual case and if the matter of the hours for licensable activities and opening has been raised in a representation, the Licensing Authority 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.

Appendices

Appendix 1 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. There shall be provided at the premises radio communication equipment to be operated in conjunction and in liaison with the local police service.
3. 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.
4. 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 any instructions or directions received through the system from the police.
5. 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.
6. The licensee and designated premises supervisor shall ensure that: *(either)*
 - at all times the premises are open for any licensable activity*(or)*
 - between.....andon(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).

7. Door supervisors should be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.
8. 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 patrons gender. Searches should be by person of gender choice with consideration of safety of all involved.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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).

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

15. No glass drinking vessels or glass bottles shall be permitted (in the areas described in the attached schedule and delineated on the approved plan).
16. 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.
17. 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.
18. There will be no off sales of alcoholic drinks except for consumption in an area that is covered by a licence to place tables and chairs on the highway.
19. 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).
20. 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).
21. 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.
22. 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.
23. Seating for no less thanpersons shall be provided in the

premises at all times the premises are open for a licensable activity.

24. 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.
25. 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:
 - (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).
26. 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.
27. 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.
28. 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.

29. A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance to the premises that gives details of times when the premises are permitted to be open for any licensable activity.
30. 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.
31. 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.
32. 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.
33. 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 be supplied to the Licensing Authority or a police officer on request.

34. 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.

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Appendix 2 - 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.
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 person must ensure that the details are recorded in a fire logbook. 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.
 - 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 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 jujitsu, 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.
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 that 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
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 that 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.
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 present 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.

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 3 - 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. 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.
6. Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.
7. 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.
8. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
9. Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
10. Premises must enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.
11. 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 11 pm to minimise noise disturbance to adjoining properties.

12. 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.
13. 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.
14. Take away packaging must include the name and address of the premises.

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Appendix 4 - 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.
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 5 – 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	

Matter to be dealt with	Subcommittee	Officers
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 6 – Glossary of terminology

Term	Definition
Club premises certificate	Means a certificate granted to a qualifying club under the 2003 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.
Hot food or hot drink	<p>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:</p> <ul style="list-style-type: none"> (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 enabling it to be consumed at a temperature above the ambient air temperature.
Licensing Objectives	<p>The licensing objectives are:</p> <ul style="list-style-type: none"> a) The Prevention of Crime and Disorder; b) Public Safety; c) The Prevention of Public Nuisance; and d) The Protection of Children from Harm.
Designated Premises Supervisor	The person named on the Premises Licence as the Designated Premises Supervisor who has normally been given day to day responsibility for running the premises by the Premises Licence Holder. No supply of alcohol can be made unless a Designated Premises Supervisor who holds a Personal Licence has been specified on the Premises Licence.
Licensing Authority	Norwich City Council
Responsible Authority	The authorities listed in Appendix 8 of this Statement of Licensing Policy.
Statutory Guidance	Revised Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Term	Definition
Licensable activities and qualifying club activities	<p>Defined in the licensing act as:</p> <ul style="list-style-type: none"> (i) the sale by retail of alcohol (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 (iv) the provision of late night refreshment - for those purposes the following licensable activities are also qualifying club activities <ul style="list-style-type: none"> (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 (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 (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.
Operating schedule	<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"> • The relevant licensable activities • The times at which licensable activities are to take place and any other times the premises are to be open to the public • Information about the designated premises supervisor • Whether any alcohol sales are on and/or off sales • The steps being taken to promote the licensing objectives.
Personal licence	<p>Authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.</p>

Term	Definition
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 11 pm and 5am or</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>
Regulated entertainment	<p>Defined as:</p> <ul style="list-style-type: none"> (a) a performance of a play (b) an exhibition of film (c) an indoor sporting events (d) a boxing or wrestling entertainment (e) a performance of live music (f) any playing of recorded music (g) a performance of dance (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the present 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).

Appendix 7 – List of Responsible Authorities

LICENSING TEAM NORWICH

City Council City Hall

St Peter's Street Norwich

NR21NH

email: licensing@norwich.gov.uk

THE CHIEF CONSTABLE

C/O Licensing Team Norfolk

Constabulary

Bethel Street Police Station Norwich

NR21NN

email: licensingteam@norfolk.pnn.police.uk

FIRE SAFETY DEPARTMENT

Norfolk Fire Service Carrow

Fire Station

63 Bracondale

Norwich NR12EE

Email: carrowadmin@fire.norfolk.gov.uk

FOOD AND SAFETY TEAM

Norwich City Council

City Hall

St Peter's Street

Norwich, NR2 1NH

Email:

foodandsafetyteam@norwich.gov.uk

PLANNING

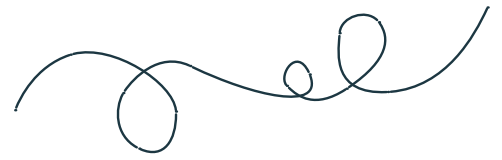
Norwich City Council

City Hall

St Peter's Street

Norwich, NR2 1NH

Email: planning@norwich.gov.uk



ENVIRONMENTAL PROTECTION

Norwich City Council

City Hall

St Peter's Street

Norwich, NR2 1NH

email: environmentalprotection@norwich.gov.uk

NORFOLK SAFEGUARDING CHILDREN PARTNERSHIP

Norfolk County Council

County Hall

Martineau Lane

Norwich NR12DH

email: nscb@norfolk.gov.uk

PUBLIC HEALTH

Norfolk County Council

County Hall

Martineau Lane

Norwich NR12DH

email: licensingapplications@norfolk.gov.uk

NORFOLK TRADING STANDARDS

Norfolk County Council

County Hall

Martineau Lane

Norwich NR12DH

email: trading_standards@norfolk.gov.uk

HOME OFFICE IMMIGRATION

Alcohol Licensing Team

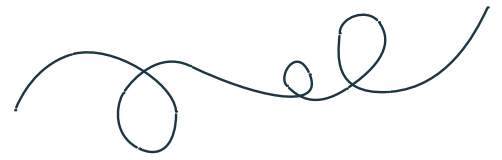
Lunar House

40 Wellesley Road Croydon

CR9 2BY

email: alcohol@homeoffice.gsi.gov.uk





In relation to a vessel only:
BROADS AUTHORITY

Yare House
62 - 64 Thorpe Road Norwich
NR11RY

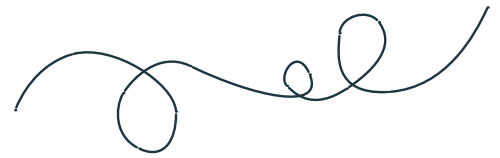
ENVIRONMENT AGENCY

Dragonfly House 2
Gilders Yard
Norwich NR31UB

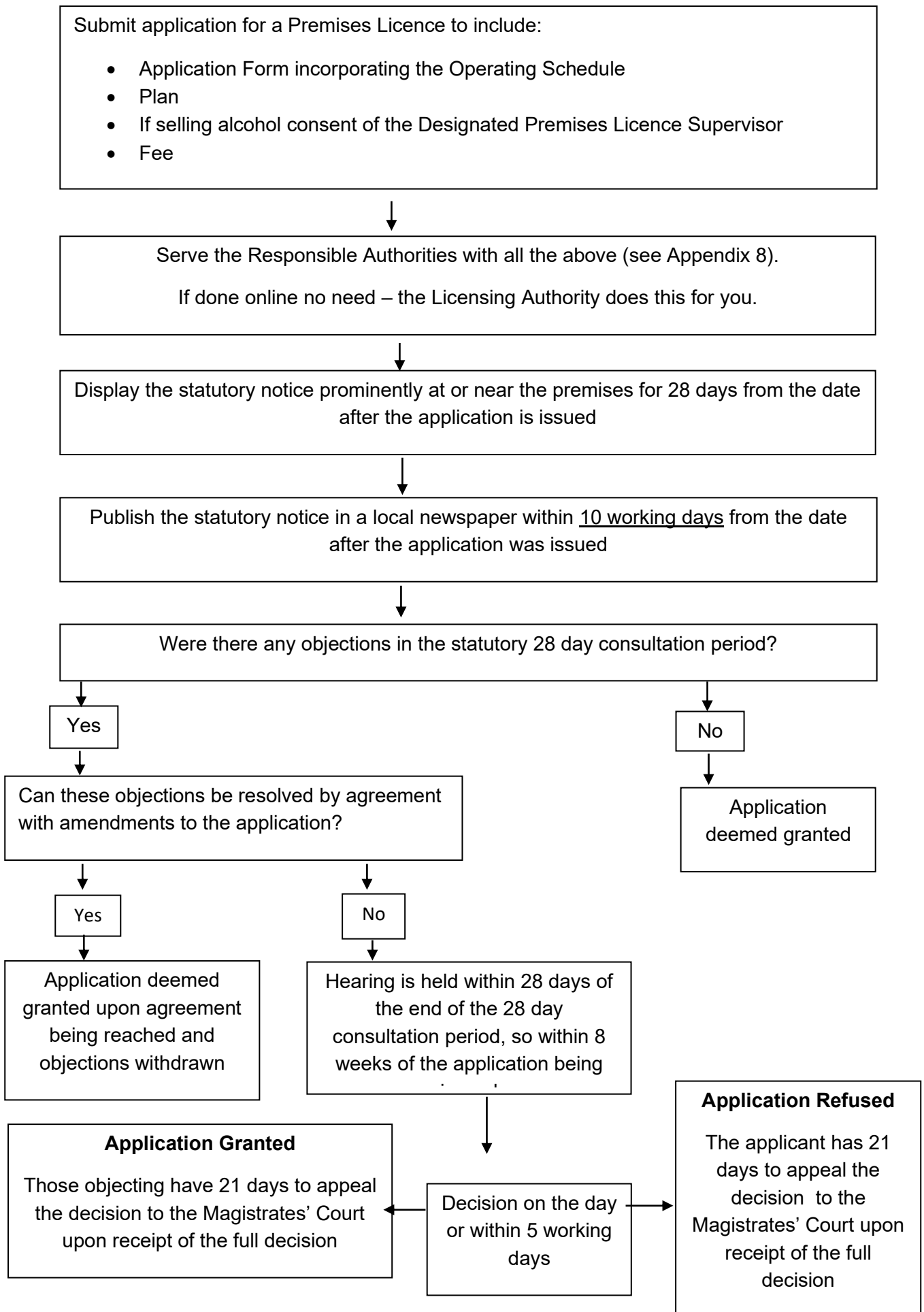
CANAL & RIVER TRUST

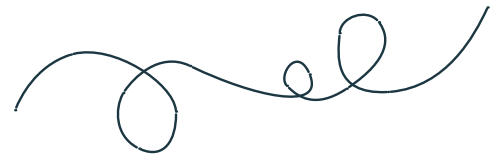
1st floor north
Station House
500 Eldergate Milton
Keynes MK91BB



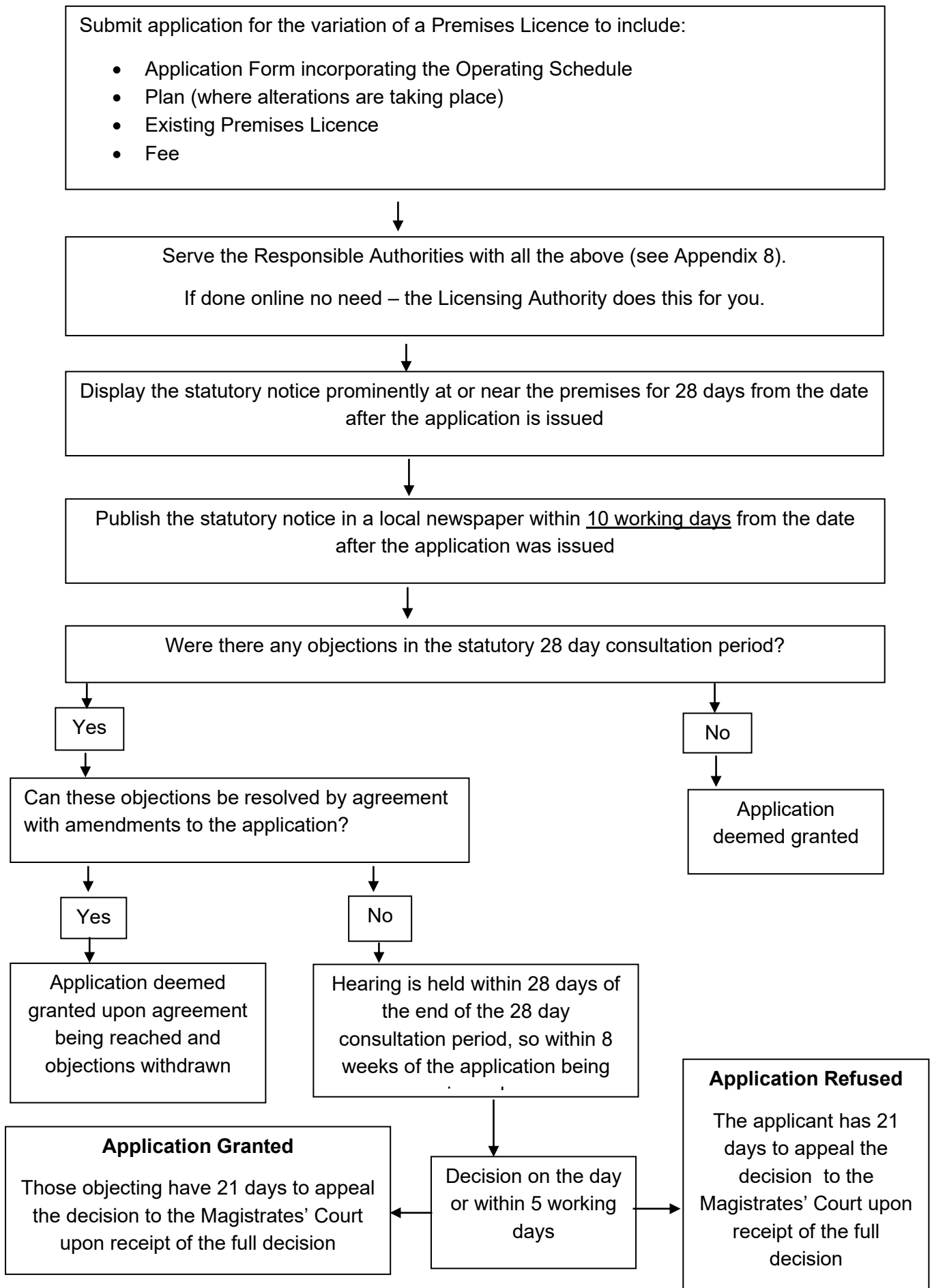


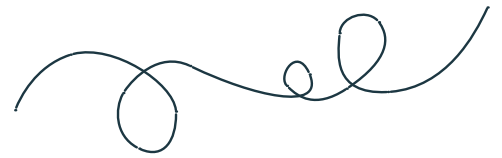
Appendix 8 - Flow chart to assist applicants for new Premises Licences



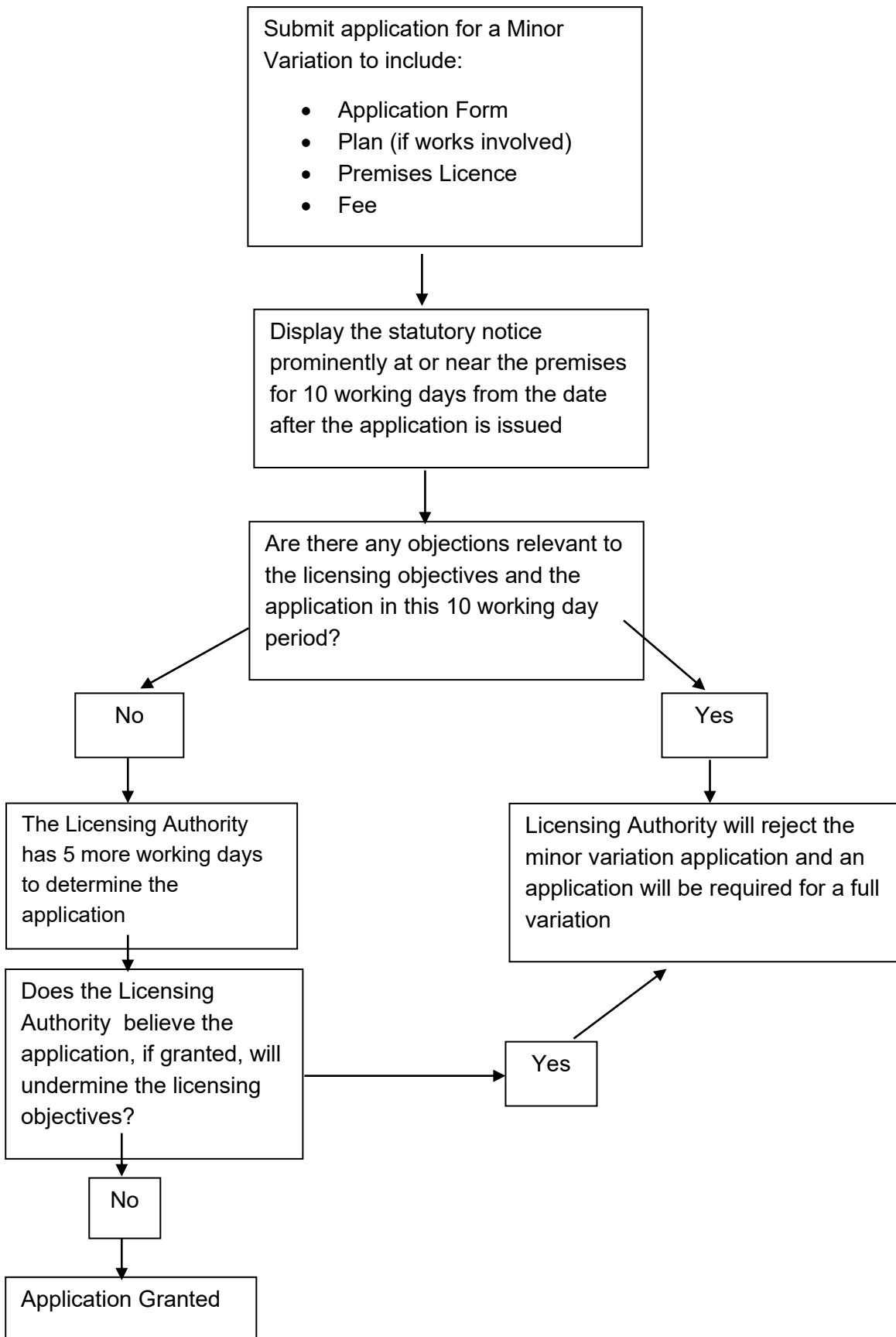


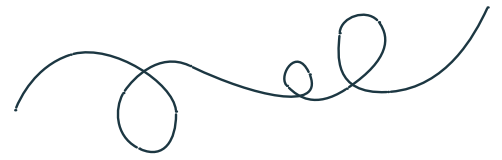
Appendix 9 - Flow chart to assist applicants for full variations





Appendix 10 - Flow chart to assist applicants for minor variations





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