

Report to	Licensing sub committee 23 August 2018	Item
Report of	Head of citywide services Licensing Act 2003:	3
Subject	Application for the Variation of a Premises Licence – Vue Cinema, 122 – 125 Castle Mall, Norwich NR1 3DD	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of the above premises, following the receipt of relevant representations.

Recommendation

That members determine the application to vary the premises licence in accordance with the:

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

Corporate and service priorities

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

Financial implications

None.

Ward/s: Mancroft

Cabinet member: Councillor Maguire – Safe City Environment

Contact officers

Maxine Fuller, Licensing Assistant

01603 212761

Background documents

None

Report

The application

1. The applicant is Vue Entertainment Limited, 10 Chiswick Park, 566 Chiswick High Road, London W4 5XS.
2. In summary the application seeks to:
 - Remove a condition and replace it with a new one. There are no changes to the licensable activities, dates or times.

Operating Schedule

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. A copy of the application form is attached at appendix B to the report.

Relevant representations

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

Police – no representations.

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

6. 1 representation objecting to the application has been received from a local resident. Copies of the representations are attached at appendix C to the report.

Norwich City Council Statement of Licensing Policy

7. Attached at appendix D are the elements of the city council's local licensing policy, which are considered to have a bearing upon the application.

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

8. Attached at appendix E are the elements of the national guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

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

LC



NORWICH City Council

Premises Licence Summary

Premises Licence Number

08/01208/PREMTR

Premises Details

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

Vue Cinema
122-125 Castle Mall
Norwich
Norwich
NR1 3DD

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

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

The times the licence authorises the carrying out of licensable activities

Ent like live/recorded music/dance	Every Day	09:00 - 03:00
Films	Every Day	09:00 - 03:00
Late Night Refreshment	Every Day	23:00 - 03:00
Live Music	Every Day	09:00 - 03:00
Performances of Dance	Every Day	09:00 - 03:00
Plays	Every Day	09:00 - 03:00
Sale by Retail of Alcohol	Every Day	09:00 - 02:30

Recorded Music

Every Day

09:00 - 03:00

The opening hours of the premises

Monday	09:00 - 03:00
Tuesday	09:00 - 03:00
Wednesday	09:00 - 03:00
Thursday	09:00 - 03:00
Friday	09:00 - 03:00
Saturday	09:00 - 03:00
Sunday	09:00 - 03:00

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

Alcohol is supplied for consumption on the Premise

Name, (registered) address of holder of premises licence

Vue Entertainment Limited
10 Chiswick Park
566 Chiswick High Road
London
W4 5XS

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

Registered Business Number 4699504

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

Ashley Walker

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



Premises Licence

Premises Licence Number

08/01208/PREMTR

Part 1 – Premises Details

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

Vue Cinema
122-125 Castle Mall
Norwich
Norwich
NR1 3DD

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

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

The times the licence authorises the carrying out of licensable activities

Ent like live/recorded music/dance	Every Day	09:00 - 03:00
Films	Every Day	09:00 - 03:00
Late Night Refreshment	Every Day	23:00 - 03:00
Live Music	Every Day	09:00 - 03:00
Performances of Dance	Every Day	09:00 - 03:00

Plays	Every Day	09:00 - 03:00
Sale by Retail of Alcohol	Every Day	09:00 - 02:30
Recorded Music	Every Day	09:00 - 03:00

The opening hours of the premises

Monday	09:00 - 03:00
Tuesday	09:00 - 03:00
Wednesday	09:00 - 03:00
Thursday	09:00 - 03:00
Friday	09:00 - 03:00
Saturday	09:00 - 03:00
Sunday	09:00 - 03:00

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

Alcohol is supplied for consumption on the Premise

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

Part 2

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

Vue Entertainment Limited
10 Chiswick Park
566 Chiswick High Road
London
W4 5XS

Telephone Number 0208 3960100

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

Registered Business Number 4699504

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

Ashley Walker

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

Party Reference:

Licensing Authority:

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 No moving picture shall be exhibited unless: -
 - (i) It has received a "U", "PG", "12A", "15" or "18" certificate of the British Board of Film Classification; or
 - (ii) it is a current newsreel which has not been submitted to the British Board of Film Classification; or
 - (iii) the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 4 No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certificate from the British Board of Film Classification.
- 5 No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "15" certificate from the British Board of Film Classification.
- 6 No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any moving picture which has received a "12A" certificate from the British Board of Film Classification.
- 7 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- 8 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 9 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 10 (with effect from 1 October 2010)
(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 11 (with effect from 1 October 2010)
The responsible person shall ensure that -
(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: half pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

- 12 The Licensing Act 2003 (Mandatory Licensing Conditions)
Order 2014

Mandatory Licensing Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1?

- a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- b) "permitted price" is the price found by applying the formula?

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part I of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b) 1994 c. 23. Section 2 was amended by section 3 of the Finance (No. 2) Act 2010 (c. 31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No. 3) Act 2010 (c. 33). There are other amendments which are not relevant to this Order.

13 The following are not prohibited:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) The sale of alcohol to a trader or club for the purposes of the trade or club;
- e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) The taking of alcohol from the premises by a person residing there; or
- g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

14 Intoxicating liquor shall only be sold or supplied to members of the public who have purchased a cinema ticket.

- 15 Intoxicating liquor shall only be consumed in the bar area.
16 Embedded Conditions,
Cinematograph (Safety) Regulations 1955

Part I
General Requirements in Connection with Cinematograph Exhibitions

1. Application of Part I

Subject to the provisions of subsection (4) of section seven of the Cinematograph Act 1909, and of section five of the Cinematograph Act 1952 (which relate to exemptions in favour of certain exhibitions to which the public are not admitted or are admitted without payment), the provisions of this Part of these Regulations shall apply in connection with the giving of all cinematograph exhibitions other than those to which Part III of these Regulations applies, and to the premises used in connection with the giving of such exhibitions and to the parts thereof and the fittings, furniture, furnishings and equipment therein in this Part of these Regulations mentioned.

2. Exits

(1) The premises shall be provided with an adequate number of exits, so placed and maintained as to afford the public ready and ample means of safe egress.

(2) In the case of premises built or substantially altered in structure after the date on which these Regulations come into operation the number of exits from each floor and tier in the auditorium shall be determined in relation to the number of persons who may be accommodated on that floor or tier and shall not be less than the appropriate number set out in Column 2 of the subjoined Table.

Column 1 Number of persons	Column 2 Number of exits
1-60	1
61-600	2
601-1000	3
1001-1400	4
1401-1700	5
1701-2000	6
2001-2250	7
2251-2500	8
2501-2700	9

(3) All exits for use by the public in leaving the auditorium shall be clearly indicated with the words "Exit" or "Way Out".

(4) All passages, courts, ramps and stairways to which the public have access, and which lead from the auditorium to outside the premises shall at all times when the public are on the premises be kept free from obstructions.

(5) Every door in the building for use by members of the public going from the auditorium to outside the building shall be so constructed and maintained as-

- (a) to open outwards, unless the licensing authority shall have been satisfied that this is impracticable in the circumstances of the particular case, and

(b) to open easily and fully in such manner that the door when open does not restrict the egress of the public.

3. Seats

(1) The seats in the auditorium shall be so arranged as to allow free access to the exits of the auditorium.

(2) All such seats shall be securely fixed to the floor except in boxes accommodating not more than eight persons.

(3) No sitting shall be allowed in the auditorium during a cinematograph exhibition except in seats provided.

(4)

(a) No standing shall be allowed in the auditorium during a cinematograph exhibition except in such places and within such numbers as may be specified by the licensing authority.

(b) Where persons are permitted to stand in any gangway, sufficient room shall be left in the gangway to allow other persons easily to pass along the gangway.

(5) Subject to the last preceding paragraph, all gangways in the auditorium shall, while the public are on the premises, be kept free from obstructions.

(6) Notwithstanding paragraphs (2), (3) and (5) of this Regulation, invalids may be permitted, with the consent of and subject to any conditions of such consent imposed by the licensing authority, to sit in the auditorium in invalid chairs, other than petrol-driven invalid chairs.

4. Staff

(1) The licensee or some responsible person nominated by him in writing, not being a person under [eighteen] years of age, shall be in charge of, and present in, the premises at all times when the public are on the premises.

(2) If the licensee or the person so nominated is the operator, some other responsible person, nominated in writing by the licensee and not being a person under [eighteen] years of age, shall be on duty to pay special attention, during the period that the operator is in charge, to those matters affecting the safety of the public which the operator by reason of his duties in the projection room is unable to superintend.

(4) Every member of the staff shall be instructed by the licensee or by some person nominated by the licensee in the safety precautions to be observed in the premises so far as those precautions relate to his duties, and in the action to be taken by him in the event of fire or other emergency.

NOTES

Amendment Para (1): word "eighteen" in square brackets substituted by SI 2002/1903, reg 2(1), (2)(a).

Date in force: 12 August 2002: see SI 2002/1903, reg 1(2).

Para (2): word "eighteen" in square brackets substituted by SI 2002/1903, reg 2(1), (2)(b).

Date in force: 12 August 2002: see SI 2002/1903, reg 1(2).

5. Fire precautions

- (1) The premises shall be provided with fire appliances suitable to the fire risks in the premises.
- (2) The fire appliances shall be maintained in proper working order and be available for instant use.
- (3) The licensee, persons nominated under paragraph (1) or paragraph (2) of Regulation 4 of these Regulations and at least one other member of the staff shall be properly instructed in the protection of the premises from fire, the use of the fire appliances provided, and the method of summoning the fire brigade [or, in England, employees of the fire and rescue authority].
- (4) All curtains and similar hangings shall be of such material or so treated and maintained that they will not readily catch fire.
- (5) No inflammable substance shall be used for cleaning any film or film projector.
- (6) Subject to the provisions of paragraph (1) of Regulation 33 of these Regulations any inflammable film in the premises shall be kept in closed metal containers and shall be kept stored elsewhere than-
 - (a) in the fuel store,
 - (b) in any part of the premises habitually used by the licensee or members of the staff,
 - (c) in any part of the premises where there is a naked light, excessive heat, or any risk of fire or explosion from the electrical or heating equipment therein, or
 - (d) in any part of the premises forbidden to be used for the purpose in the licence granted by the licensing authority,

and the place wherein it is stored shall be kept locked.

NOTES

Amendment Para (3): words "or, in England, employees of the fire and rescue authority" in square brackets inserted in relation to England by SI

2004/3168, art 2; a corresponding amendment has been made in relation to Wales by SI 2005/2929, art 3. Date in force (in relation to England): 30 December 2004: see SI 2004/3168, art 1(1). Date in force (in relation to Wales): 25 October 2005: see SI 2005/2929, art 1(1).

6. Fire precautions, further provisions

- (1) No smoking shall be permitted in any projection or rewinding room or in any room in which film is stored or in which electrical batteries are installed or charged.
- (2) In and immediately outside any such room notices shall be posted stating that smoking is prohibited.
- (3) No readily inflammable substance, other than inflammable film, or naked light, other than arc lights in the lanterns of film projectors, spotlights, effects lamps or other electrical apparatus for the production of lighting or optical effects, shall be permitted to be in any such room:

Provided that-

(a) where an inflammable substance is used in repairing or jointing film, there may be kept in the projection and rewinding rooms not more than two fluid ounces thereof which shall be kept in a stoppered container, and

(b) there may be kept in the projection and rewinding rooms a reasonable quantity of wax for the purpose of lubricating film.

7. Projection and rewinding rooms

(1) Subject to the provisions of Regulation 9 of these Regulations, film shall not be projected, rewound, cleaned, or otherwise manipulated except in a projection or rewinding room.

(2) Projection rooms, rewinding rooms and any part of the building to which there is direct access from a projection or rewinding room shall be well ventilated with fresh air.

(3) No doorway or hatchway of a projection or rewinding room shall communicate directly with the auditorium or any other part of the building to which the public are admitted.

(4)

(a) All doorways and hatchways of projection or rewinding rooms shall be provided with doors or hatches.

(b) Such of the said doors and hatches as open upon any room, lobby or space communicating directly with the auditorium or with any other part of the building to which the public are admitted shall be close-fitting so as to prevent, so far as practicable, the passage of smoke.

(c) Without prejudice to the provisions of paragraph (2) of Regulation 12 of these Regulations, all holes (other than doorways and hatchways) in the walls, ceilings or floors of projection or rewinding rooms through which smoke might pass directly into another part of the building shall be so sealed as to prevent the passage of smoke.

(5) The doors and hatches of projection or rewinding rooms, other than those communicating directly with the open air or allowing direct communication between a projection room and another projection room or a rewinding room, shall except when in immediate use be kept closed while the public are on the premises.

(6) Subject to the provisions of section four of the Cinematograph Act 1909 (which relate to powers of entry for inspection), no person unless authorised by the person in charge of the premises shall be permitted to enter, or remain, in a projection or rewinding room while the public are on the premises.

8. Projection rooms

(1) Projection rooms shall be large enough to enable the operators to work freely at the film projectors and any other equipment therein.

(2) The openings in the front face of a projection room-

(a) shall be fitted with windows of plate glass;

(b) shall not be larger than is necessary for effective projection and observation; and

(c) ...

(3) ...

(4) The supply of electricity to the film projectors and other equipment in a projection room, not being telephone, signal or other equipment using only electricity of low energy, shall be capable of being cut off by switches or other means of control placed in the projection room.

(5)

(a) Subject to the provisions of [. . . Regulation 8A and of] paragraph (7) of Regulation 31 of these Regulations, whenever a film projector is working in a projection room a competent operator who has attained the age of eighteen years shall be in charge of, and present in, the projection room.

(b) Notwithstanding sub-paragraph (a) of this paragraph the said operator may leave the projection room for a short period in case of need so long as an assistant, being a person who has attained the age of seventeen years, is left in charge of, and present in, the projection room and the operator remains on the premises.

NOTES

Amendment Paras (2), (3): words omitted revoked by SI 1965/282, reg 1.

Para (5): words in square brackets inserted by SI 1958/1530, reg 1, words omitted revoked by SI 1976/1315, reg 3.

[8A. Automatic control of projectors]

[(1) This Regulation shall apply in relation to a projection room where-

(a) there is no inflammable film in the premises other than film stored and locked up in accordance with the provision of Regulation 5(6) of these Regulations;

(b) the operator in charge of that projection room remains within the rooms and other places mentioned in sub-paragraph (c)(i) of this paragraph; and

(c) every film projector working in the projection room during the absence of the said operator is controlled by equipment which will automatically extinguish the source of light in the projector lantern, stop the projector mechanism and cause to sound continuously-

(i) alarm signals clearly audible in that projection room and in every room, lobby or place in the vicinity thereof commonly used or visited by the operator on duty;

(ii) an alarm signal audible in a place in the premises where a member of the staff, not being an operator or assistant operator, is normally stationed while the public are on the premises

immediately on the untoward occurrence of any of the events specified in the next following paragraph.

(2) The events referred to in sub-paragraph (c) of the last foregoing

paragraph are:-

- (a) the film in the projector breaking or stopping;
- (b) the projector mechanism stopping or operating at less than half its normal speed;
- (c) any switch or contactor controlling the source of light in the projector lantern or the motor driving the projector mechanism and controlled by any such control equipment as aforesaid failing to break in due time an electrical circuit controlled by it;
- (d) any failure of the light in the projector lantern which is not immediately and automatically made good;
- (e) any failure in the supply of electricity to any such control equipment as aforesaid.

(3) Where this Regulation applies then, notwithstanding the provisions of Regulation 8(5)(a) of these Regulations, the operator in charge of the projection room may from time to time leave that room without leaving an assistant in charge of, and present in, that room but no period of absence shall exceed fifteen minutes unless the projector room is fitted, to the satisfaction of the licensing authority, with equipment which will automatically give warning of the presence of smoke or warning of the presence of fire (whichever the licensing authority shall judge to be more appropriate in the circumstances) by means of alarm signals sounding continuously and audible as mentioned in sub-paragraph (i) and (ii) of paragraph (1)(c) of this Regulation.

(4) Any such equipment as is referred to in paragraph (1)(c) or (3) of this Regulation and any equipment associated therewith or controlled thereby shall be tested once a year by a competent engineer appointed by or on behalf of the occupier of the premises and a certificate stating the condition of the equipment shall, after each test, be sent to the licensing authority by or on behalf of the occupier of the premises.]

NOTES

Amendment Inserted by SI 1958/1530. Substituted by SI 1976/1315, reg 4, Schedule.

9. 16 mm film

(1) The provisions of paragraph (1) of Regulation 7 of these Regulations shall not apply in relation to film which does not exceed sixteen millimetres in width and which is not inflammable film.

(2) No inflammable substance shall be used in repairing or jointing film in the auditorium or any other part of the premises to which the public are admitted while the public are present there.

(3) When such film as aforesaid is projected in the auditorium the following provisions shall apply:-

- (a) the film projector shall be surrounded by a clear space at least three feet wide which persons, not authorised by the person in charge of the projector or under section four of the Cinematograph Act 1909 (which relates to powers of entry for inspection), are prevented from entering by the erection of a barrier or other effective means;
- (b) no smoking shall be permitted within the said clear space;

(c) the film projector shall be in the charge of a competent person who shall be present within the said clear whenever the projector is working;

(d)

(i) no illuminant, other than electric light in hermetically sealed lamps, shall be used in the film projector;

(ii) the illuminant shall be separately encased in such a way as to prevent it accidentally coming in contact with the film;

(e) electrical conductors used for the film projector shall, so far as practicable, be placed out of reach of the public.

10. Projectors

[(1) Unless the source of light in a film projector is an electric discharge lamp which will not light or remain lit when the projector is not running, the projector shall be fitted with a metal shutter which, when the projector stops running, automatically cuts off the source of light from the film gate.]

(2), (3) ...

(4) The foregoing provisions of this Regulation shall not apply to film projectors constructed to use only film not exceeding sixteen millimetres in width and of which the illuminant complies with the provisions of sub-paragraph (d) of paragraph (3) of Regulation 9 of these Regulations.

(5) All the mechanism of a film projector shall be guarded except in so far as this is not reasonably practicable in the particular circumstances.

NOTES

Amendment Para (1): substituted by SI 1965/282, reg 3. Paras (2), (3): revoked by SI 1965/282, reg 3.

11. Electrical supply for projectors and other equipment

The supply of electricity to film projectors, spotlights, effects lamps or other electrical apparatus for the production of lighting or optical effects shall be by way of a circuit or circuits separate from any circuit used for supplying electricity for the general lighting or the safety lighting.

12. Sealing of walls

(1) Where a pipe, duct or conductor enters a building at or below ground level, the hole through which the pipe, duct or conductor enters the building shall be so stopped as to prevent leakage of gas into the building through the hole.

(2) The holes by which pipes, ducts or conductors pass through a fire-resisting wall, floor or ceiling within a building shall be so sealed as to prevent the passage of fire and smoke.

13. Gas valves

The main valves and cocks controlling the supply of gas to the premises shall, if situated within a building, be placed as near as practicable to a door situate on the ground floor and easily accessible from outside the premises; and such valves and cocks shall if accessible to the public be secured against unauthorised interference.

14. Inspection of ceilings

All ceilings in those parts of the premises to which the public are admitted shall be inspected at least once in every five years by a competent person appointed by, or on behalf of, the occupier of the premises, and a certificate concerning the condition of the ceilings shall after each inspection be forwarded to the licensing authority by, or on behalf of, the occupier.

15. General lighting

(1) In all parts of the building to which the public are admitted and in all passages, courts, ramps and stairways to which the public have access and which lead from the auditorium to outside the premises there shall be provided means of illumination (in these Regulations referred to as "general lighting") by electricity or gas capable of illuminating those parts clearly.

(2) All notices indicating exits from any part of the premises to which the public are admitted shall be illuminated by the general lighting at all times when the public are on the premises [unless these notices are self-powered notices].

(3)

(a) The means by which the general lighting is controlled-

(i) shall be so situated as to be easily accessible to those members of the staff who may be required to operate them;

(ii) shall be so situated or concealed that members of the public are unlikely to interfere with them;

(iii) shall not, in the case of electrical switchgear, be situated in a rewinding room unless that room is also a projection room;

(iv) shall not, in the case of gas taps and cocks, be situated in a projection room or a rewinding room.

(b) The means by which the general lighting of the auditorium is controlled shall, in addition to complying with the provisions of sub-paragraph (a) of this paragraph, be so constructed and arranged that when the auditorium is not clearly illuminated by the general lighting it can be quickly so illuminated.

(c) If switchgear controlling the electricity for the general lighting of the auditorium is situated in a projection room, other means of control-

(i) situated outside the projection room and also complying with the foregoing provisions of this paragraph shall be provided; and

(ii) shall be so construed and arranged that when the auditorium is not clearly illuminated by the general lighting it can be quickly so illuminated notwithstanding that the means of control in the projection room may be switched off or inoperable.

(d) All taps and cocks controlling gas for general lighting shall, in the case of the taps of individual lamps, be secured against unauthorised interference and, in the case of all other such taps and cocks, be situated in a place to which the public are not admitted or, if this is not practicable, be secured against unauthorised interference.

NOTES

Amendment Para (2): amended by SI 1976/1315, reg 5.

16. Safety lighting

(1) In addition to the general lighting, means of illumination adequate to enable the public to see their way out of the premises without assistance from the general lighting (in these Regulations referred to as "safety lighting") shall be provided-

(a) in the auditorium and all other parts of the building to which the public are admitted;

(b) in all passages, courts, ramps and stairways to which the public have access and which lead from the auditorium to outside the premises;

(c) for the illumination of all notices indicating exits from any part of the premises to which the public are admitted [unless these notices are self-powered notices].

(2) The safety lighting shall be kept on at all times when the public are on the premises except in those parts of the premises which are lit equally well by daylight.

(3) Subject to the provisions of Regulations 17 of these Regulations, the safety lighting shall be supplied from a source other than that which supplies the general lighting and shall be by electricity or gas:

Provided that the safety lighting may be by colza oil or night-lights if-

(a) electricity and gas are not both supplied to the premises, or

(b) there is a failure of the ordinary safety lighting.

(4) An electrical conductor used for the safety lighting shall not be contained in the same protective covering as a conductor used for any other purpose.

(5)

(a) If the safety lighting is by electricity the means of control thereof shall be situated in a place to which the public are not admitted.

(b) If the safety lighting is by gas-

(i) the taps of individual lamps shall be secured against unauthorised interference and all other taps or cocks controlling gas for safety lighting shall be situated in a place to which the public are not admitted or, if this is not practicable, shall be secured against unauthorised interference;

(ii) taps or cocks controlling gas for safety lighting shall not be situated in a projection or rewinding room.

(6) Any circuit used for supplying electricity for use in a projection or rewinding room, other than a circuit used to supply electricity to film projectors, spotlights, effects lamps or other electrical apparatus for the production of lighting or optical effects, shall not be connected to a circuit used for supplying electricity for the safety lighting unless it is so arranged and protected that the occurrence of any electrical fault therein would not affect the last-mentioned circuit.

NOTES

Amendment Para (1): amended by SI 1976/1315, reg 5.

17. Batteries for safety lighting

(1) Any battery supplying the safety lighting shall be fully charged before the public are first admitted to the premises on any day and, unless it is a battery mentioned in paragraph (2) of this Regulation, shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the safety lighting during the whole time that the public are on the premises.

(2) Notwithstanding paragraph (3) of Regulation 16 of these Regulations one or more floating or trickle-charged batteries supplied with electricity from the same source as supplies the general lighting may be used to supply electricity for the safety lighting if-

(a) the batteries are fully charged before the public are first admitted to the premises on any day;

(b) the rate of charging the batteries is so regulated that the batteries will not discharge except on failure of the supply of electricity to the batteries;

(c) the batteries will not discharge through the supply circuit in the event of a failure of the supply of electricity to the batteries;

(d) the capacity of the batteries is sufficient to supply at normal voltage the full load of the safety lighting for not less than three hours;

(e) in the case of trickle-charged batteries, there are provided automatic change-over contactors so designed and maintained as to operate immediately and efficiently in case of need, and which are tested on each day that there is a cinematograph exhibitions and before the public are admitted to the premises in order to ensure that they are in proper working order.

18. Batteries

(1) A battery having cells or containers of celluloid shall not be permitted to be in the premises.

(2) A battery of a type which cannot be recharged to full capacity shall not be used to supply electricity for the general lighting or the safety lighting.

(3) Where batteries are used to supply electricity for either the general lighting or the safety lighting-

(a) such parts of the conductors connecting the batteries one to another

or connecting the batteries to the fuse, circuit breakers, or other similar devices protecting the circuits going out from the batteries, as are situated within the room in which the batteries are installed shall not be enclosed in ducting or conduit;

(b) such parts of the said conductors as are situated within the said room shall, unless suitably insulated, be properly supported and separated so that they are kept apart;

(c) the fuses, circuit breakers and similar devices aforesaid, unless situated within the said room, shall be situated as near as is practicable to the point where the said conductors emerge from that room.

(4) Any battery used to supply electricity for either the general lighting or the safety lighting supply electricity only for the general lighting or the safety lighting as the case may be.

(5) Any battery used to supply for either the general lighting or safety lighting shall, at least once in every six months, have its capacity tested by a person appointed by, or on behalf of, the occupier of the premises and the date and result of the test shall be entered in a register to be kept for the purpose and available for inspection by persons authorised in that behalf by the licensing authority.

19. Failure of lighting

(1)

(a) If there is a failure of the general lighting and the general lighting is by gas, the public shall be instructed to leave the premises forthwith.

(b) If there is a failure of the general lighting and the general lighting is by electricity, the public shall, if the general lighting is not restored within one hour, be instructed to leave the premises at the end of that hour.

(2)

(a) If there is a failure of the safety lighting and the safety lighting is not by electricity, all parts of the premises in which means of illumination are provided in accordance with paragraph (1) of Regulation 15 of these Regulations shall be clearly illuminated by the general lighting and the public shall be instructed to leave the premises forthwith.

(b) If there is a failure of the safety lighting and the safety lighting is by electricity, all parts of the premises in which means of illumination are provided in accordance with paragraph (1) of Regulation 15 of these Regulations other than the auditorium, shall forthwith be clearly illuminated by the general lighting and, if at the end of one hour safety lighting is not restored, the auditorium shall be clearly illuminated by the general lighting and the public shall then be instructed to leave the premises forthwith.

20. Fuses, switches and earths

(1) Every electrical main circuit and sub-circuit in the premises shall be

protected against excess current by fuses, circuit-breakers or other similar devices which will operate automatically at current values which are suitably related to the safe current ratings of the circuit and of the equipment connected to the circuit.

(2)

(a) Every circuit supplying electricity for the control equipment of electric discharge-lamps having a rated electrical input exceeding 500 watts, or for electronic equipment shall, where the fuses, circuit-breakers or other similar devices aforesaid do not afford adequate protection, be provided also with electrical or thermo-electrical devices to break the circuit automatically on any dangerous rise in the temperature of the said equipment or of the transformers, chokes or smoothing devices used in connection therewith.

(b) Any such electrical or thermo-electrical devices shall be tested once a year by a competent electrical engineer appointed by, or on behalf of, the occupier of the premises.

(c) The foregoing provisions of this paragraph shall not, until the first day of January, 1958, apply in relation to electronic equipment or control equipment of electric discharge lamps in use in the premises before the date on which these Regulations come into operation.

(3)

(a) Every main circuit and sub-circuit in the premises shall be provided with earth-leakage protective devices which on the occurrence of an earth fault will disconnect the defective circuit from the supply of electricity.

(b) Sub-paragraph (a) of this paragraph shall not apply where the possible earth fault leakage current from the circuit substantially exceeds that required to operate the fuses, circuit-breakers or other similar devices aforesaid.

(4) All metal work not intended ordinarily to conduct electricity but liable to become charged with electricity if the insulation of a conductor should become defective or if a defect should occur in any electrical equipment shall be earthed.

(5) The supply of electricity to all electric signs, notices or advertising devices and to all electric discharge-lamp installations shall be capable of being cut off by switches or other means of control so situated as to be easily accessible to members of the staff but so as not to be easily accessible to the public.

(6)

(a) Every socket outlet, other than for deaf aids, in any part of the premises to which the public are admitted shall be controlled by a switch adjacent to the socket outlet.

(b) All plugs and socket outlets, other than for deaf aids, in any part of the premises to which the public are admitted shall be so constructed that the pins of the plugs and the socket outlets cannot be touched while they are live.

(7) Switchgear controlling a main circuit or sub-circuit, and not being in the

auditorium, shall be clearly and legibly labelled to indicate which current it controls.

21. Electric discharge-lamps

(1) All electric discharge-lamps installations shall comply with the following requirements:-

(a) control equipment for electric discharge-lamps and the transformers, chokes and smoothing devices used in connection therewith shall be so placed that there is adequate ventilation and adequate access thereto for the purpose of inspection and maintenance;

(b) fixed electric discharge-lamps shall be placed out of reach of the public or so protected that if a lamp is broken no live electrode can be touched.

(2) Without prejudice to the provisions of paragraph (5) of Regulation 20 of these Regulations the supply of electricity to electric discharge-lamp installations on the outside of a building, or used within a building when the public are not admitted, and in which the voltage between any two points of the installation exceeds 650 volts shall be capable of being cut off by one or more switches or other means of control situated outside any building and so as to be accessible to members of the fire brigade but so as not to be easily accessible to the public.

22. Wiring and ventilating ducts

(1) All electric wiring shall be suitably insulated.

(2) All electric wiring shall have a protective covering over the insulation thereof and, except where it is necessary that it should remain flexible, shall be kept securely fixed in position.

(3) The protective covering shall be-

(a) made of metal or other material of such rigidity as to afford substantial protection against mechanical injury;

(b) made of material which does not readily ignite or decompose;

(c) if made of metal, effectively earthed;

(d) in the case of wiring in premises which are built or wholly or mainly rewired after the date on which these Regulations come into operation, not made of lead.

(4) Where it is necessary for wiring to remain flexible its protective covering shall be flexible and the following provisions shall apply in lieu of the provisions of paragraph (3) of this Regulation:-

(a) the protective covering of such wiring used in connection with arc lamps, spotlights, effects lamps or other electrical equipment for the production of lighting or optical effects and exposed to excessive heat shall be of asbestos or other material which will prevent the heat damaging the conductor or its insulation;

(b) the protective covering of such wiring, other than that referred to in sub-paragraph (a) of this paragraph shall be such as to give a degree

of protection not less than that afforded by tough rubber sheathing;

(c) the protective covering of such wiring shall not be made of lead, and if made of metal, shall be effectively earthed;

(d) such wiring shall not be longer than is necessary;

(e) such wiring shall be securely fixed, and its protective covering reinforced, at the point of entry into the equipment, plug or other fitting to which it is connected.

(5)

(a) The foregoing provisions of this Regulation shall not apply to such parts of the conductors mentioned in paragraph (3) of Regulation 18 of these Regulations connecting the batteries one to another or connecting the batteries to the fuses, circuit-breakers or other similar devices protecting the outgoing circuits, as are situated within the room in which the batteries are installed:

(b) The provisions of paragraph (2), (3) and (4) of this Regulation shall not apply to-

(a) wiring, intended to conduct only electricity of low energy, of telephones, signal systems, deaf aids, public address equipment, depolarizer circuits for electric torch batteries and other similar equipment;

(b) audio circuit wiring;

(c) internal wiring of electric organs not intended to conduct electricity at a voltage exceeding 100 volts;

(d) conductors for electric discharge-lamp installations in which the voltage between any two points of the installation exceeds 650 volts if the conductors are so placed that they cannot be touched by the public and are suitably insulated and protected;

(e) temporary wiring if the licensing authority is satisfied that the wiring is so insulated and so protected or placed as to be reasonably safe in the circumstances.

(7) No electric wiring, other than wiring for the purpose of operating or lighting the ventilating system and having its own protective covering, shall, after the date upon which these Regulations come into operation, be placed (otherwise than by way of repair of wiring already installed) in any ventilating ducts.

(8) Any lighting fittings or other electrical apparatus installed in any ventilating duct after the date upon which these Regulations come into operation shall be totally enclosed.

23. Generators, transformers and switchgear

(1) Electricity generating plant and main supply transformers shall be placed in a room or rooms-

(a) separate from the auditorium,

- (b) of substantial construction,
- (c) of which the walls, floors and ceilings (except for windows, skylights and openings therein communicating directly with the open air) and doors shall be so constructed or lined as to be fire-resisting,
- (d) not communicating directly with the auditorium or with any part of the building to which the public are admitted:

Provided that the provisions of this paragraph shall apply only where such equipment is installed or moved from one room to another after the date on which these Regulations come into operation, or where a room in which such equipment has been installed is altered in structure after the said date.

- (2) The switchgear and fuses controlling or protecting the main supply of electricity shall be placed in a room to which the public are not admitted and any door thereof which communicates directly with any part of the premises to which the public are admitted, shall be kept locked.

24. Heating appliances

- (1) Every heating appliance used in the premises which is so situated as to be within reach of any member of the public shall be fitted with guards which comply with the standards of construction and fitting required by the Heating Appliances (Fireguards) Regulations 1953, in the case of a heating appliance of a type which is so designed that it is suitable for use in a dwelling-house or other residential premises.

- (2) Every heating appliance used in the premises shall be situated sufficiently far from any woodwork, hangings or other materials or substances liable to catch fire for there to be no likelihood of fire by reason of their proximity to the heating appliance.

- (3) Every heating appliance situated in a part of the premises to which the public are admitted shall be fixed in position.

- (4) Every heating appliance situated in a projection or rewinding room shall be so constructed and enclosed that there is no likelihood of film igniting or decomposing by reason of contact with, or proximity to, the heating element.

(5)

- (a) No oil-burning heaters other than those forming part of boiler installations shall be used in the premises.

- (b) No gas fire shall be used in a projection or rewinding room.

25. Electrical apparatus generally

Electrical apparatus and equipment in the premises shall not be used for such a purpose or in such a manner or when it is in such a condition as to cause danger of electric shock, fire or explosion.

26. Supervision of electrical installations

Any person who has attained the age of [eighteen] years and who has received sufficient training for the purpose shall be made responsible for ensuring that the electrical installations and equipment in the projection room are maintained in a good serviceable condition.

NOTES

Amendment Word "eighteen" in square brackets substituted by SI 2002/1903, reg 2(1), (2)(c). Date in force: 12 August 2002: see SI 2002/1903, reg 1(2).

27. Inspection of electrical installations

All electrical installations shall be inspected once a year by a competent electrical engineer appointed by, or on behalf of, the occupier of the premises, and a certificate stating the condition of the installations shall, after each inspection, be forwarded to the licensing authority by, or on behalf of, the occupier of the premises.

Part II

Additional Requirements in Connection with Cinematograph Exhibitions for which Inflammable Film is used

28. Licence to be necessary

Any means of producing pictures for a cinematograph exhibition which includes the use of inflammable film is by this Regulation specified as a means involving risk such that it is inexpedient that paragraph (a) of subsection (1) of section five of the Cinematograph Act 1952 (which provides that a licence shall not be required in the case of certain exhibitions to which the public are not admitted or are admitted without payment), should have effect in the case of cinematograph exhibitions where the pictures are produced by such means.

29. Application of Part II

Subject to the provisions of subsection (4) of section seven of the Cinematograph Act 1909 (which exempts exhibitions in private dwelling-houses to which the public are not admitted), the following provisions of this Part of these Regulations shall apply in addition to the provisions of Part I of these Regulations in connection with the giving of cinematograph exhibitions for which any inflammable film is used and to the premises used in connection with the giving of such exhibitions and to the parts thereof and the fittings, furnishings and equipment therein in this Part of these Regulations mentioned.

30. Fire precautions

All persons employed in connection with cinematograph exhibitions who may be called upon to handle or use inflammable film shall be warned of the special dangers attaching to inflammable film and shall be instructed in the special precautions applicable to their particular duties which should be taken in connection with its handling and use.

31. Projection and rewinding rooms

(1) Separate rooms shall be provided as a projection room and as a rewinding room respectively and inflammable film shall not be projected except in the projection room, or rewound, cleaned, or (except in the ordinary course of projection) otherwise manipulated, except in the rewinding room.

(2) The walls, floors and ceilings (except for windows, skylights and openings therein communicating directly with the open air) and doors of the projection and rewinding rooms shall be so constructed or lined as to be fire-resisting.

(3) All fittings, fixtures and furnishings (other than floor coverings) in the projection and rewinding rooms shall be of metal, hardwood, or such other material or so treated and maintained as not readily to catch fire.

(4)

(a) Every communicating doorway between the projection and rewinding rooms shall be fitted with a close-fitting, self-closing door, so constructed and maintained that it can be opened easily from either side, and the door shall be kept closed when not in immediate use.

(b) Every other opening allowing direct communication between the projection and rewinding rooms shall be fitted with a close-fitting, fire-resisting hatch or shutter which shall either be secured in a closed position or be so constructed and maintained as to be self-closing.

(5) All doorways of the projection and rewinding rooms, other than communicating doorways between them, shall be fitted with self-closing doors so constructed and maintained that they will open easily on being pushed from inside and can be opened from outside the projection or rewinding room.

(6)

(a) One entrance to the projection room shall be from the open air.

(b) Each projection or rewinding room shall be provided with a doorway and also, unless the licensing authority shall have been satisfied that this requirement is impracticable or unreasonable in the circumstances of the particular case, an alternative way of egress for the operators, whether a doorway, hatchway or window.

(7)

(a) Whenever inflammable film is being projected a competent operator who has attained the age of [eighteen] shall be in charge of, and present in, the projection room.

(b) Notwithstanding sub-paragraph (a) of this paragraph the said operator may leave the projection room for a short period in case of need, so long as an assistant, being a person who has attained the age of seventeen years, is left in charge of the projection room and the operator remains on the premises and within call.

(8) Subject to the provisions of section four of the Cinematograph Act 1909 (which relates to powers of entry for inspection), no person shall be permitted while the public are on the premises to enter or remain in the projection or rewinding room unless his presence there is necessary or desirable for the purpose of the exhibition or for the purpose of instruction and is authorised in

accordance with the provisions of paragraph (6) of Regulation 7 of these Regulations.

NOTES

Amendment Para (7): in sub-para (a) word "eighteen" in square brackets substituted by SI 2002/1903, reg 2(1), (2)(d). Date in force: 12 August 2002: see SI 2002/1903, reg 1(2).

[31A. Projection room shutters]

[(1) The openings in the front face of a projection room in which inflammable film is used shall be fitted with metal shutters so constructed that-

- (a) they can be closed from a point within the projection room near the projectors and also from a point outside the projection and rewinding rooms which is accessible to members of the staff;
- (b) they can, if required, be closed simultaneously; and
- (c) when closed, they fit closely over the openings.

(2) The shutters aforesaid and the mechanism for closing them shall be tested on each day on which there is a cinematograph exhibition, and before the public are admitted to the premises.]

NOTES

Amendment Inserted by SI 1965/282, reg 4.

[31B. Projectors used for inflammable film]

[(1) A film projector in which inflammable film is used shall have a metal shutter (in addition to and operating independently of that required by Regulation 10(1) of these Regulations) capable of cutting off the source of light from the film gate; and the shutter shall either be such that it operates automatically when the projector stops, or that it can be readily operated by hand:

Provided that this paragraph shall not apply to-

- (a) a projector in which the source of light is an electric discharge lamp which will not light or remain lit when the projector is not working; or
- (b) a projector constructed to use only film not exceeding 16 mm. in width and in which the source of light is a hermetically sealed electric lamp.

(2) A projector in which inflammable film is used shall be so constructed and maintained that the film gate of that projector is not liable to become overheated.

(3) The openings above and below the film gate of a projector in which inflammable film is used shall be sufficiently narrow to prevent flame travelling upwards or downwards.]

NOTES

Amendment Inserted by SI 1965/282, reg 4.

32. Spools and spool-boxes

- (1) Each film projector in which inflammable film is used shall be fitted with one or more metal spool-boxes of substantial construction, and when the projector is working the film shall be made to pass from such a spool-box either to the same or to another such spool-box.
- (2) The spool-boxes shall be so constructed as to prevent, as far as practicable, the possibility of flame passing to or from the inside thereof when the spool-box is closed, and they shall be kept closed when the projector is working.
- (3) The spools upon which inflammable film is wound shall be substantially constructed of material which does not readily ignite or decompose with heat and shall be designed to accommodate not more than 2,050 feet of film.

33. Inflammable film

- (1) Notwithstanding the provisions of paragraph (6) of Regulation 5 of these Regulations inflammable film in current use and not exceeding 21,000 feet in all may be kept in the projection and rewinding rooms.
- (2) Inflammable film in a projection or rewinding room shall be kept at all times, subject to the exigencies of its use, in closed metal containers of robust construction.
- (3) Inflammable and non-flammable film shall not be wound on the same spool.
- (4) Inflammable film shall not be used if it is in such a condition as to be likely to jam or break while passing through the film projector.

34. Equipment in projection and rewinding rooms

- (1) The lighting of the projection and rewinding rooms shall be by electricity or daylight.
- (2) All transformers, rectifiers, resistances, choke coils, motors and the illuminants of viewing devices for the examination of film, in the projection or rewinding rooms which are liable to attain a temperature at which inflammable film will ignite or decompose shall without preventing their proper ventilation be so guarded or enclosed as to prevent the ignition or decomposition of film by accidental contact with any of them or with any part of the equipment to which their heat may be communicated.
- (3) All metal work of equipment used in rewinding film shall be earthed so as safely to discharge static electricity.
- (4) No electrical equipment shall be allowed in the rewinding room except-
 - (a) equipment for lighting or heating the room, rewinding machines, and viewing devices for the examination of film, and
 - (b) telephones, signal systems, and hand torches using only electricity of low energy.

Part III

Requirements in Connection with Cinematograph Exhibitions in Premises used only occasionally

35. Application of Part III

[(1)] Subject to the provisions of subsection (4) of section seven of the Cinematograph Act 1909, and of section five of the Cinematograph Act 1952 (which relate to exemptions in favour of certain exhibitions to which the public are not admitted or are admitted without payment), the provisions of this Part of these Regulations shall apply-

(a) in connection with the giving of cinematograph exhibitions in an auditorium where seating is provided for not more than four hundred persons, in premises which have not been used on more than three days in any week in the current calendar year for cinematograph exhibitions (not being exempted exhibitions within the meaning of section five of the Cinematograph Act 1952), and during which there is no inflammable film in premises;

(b) in connection with the giving of cinematograph exhibitions in premises for which seven of the Cinematograph Act 1909, applies, and during which there is not inflammable film in the premises,

and to the premises used in connection with the giving of such exhibitions and to the parts thereof and the fittings, furniture, furnishings and equipment therein in this Part of these Regulations mentioned.

[(d) subject to paragraph (2) of this Regulation, in connection with the giving of cinematograph exhibitions in premises which are (or in a part of premises which is, as the case may be), while the cinematograph exhibition is being given, used for another purpose or purposes to which the giving of the cinematograph exhibition is incidental or subsidiary (not being exempted exhibitions within the meaning of section five of the Cinematograph Act 1952), and by means which include the use of any electro-magnetic tape or disc recording of vision.]

[(2) In the case of a cinematograph exhibition to which sub-paragraph (d) of the last preceding paragraph relates (whether or not any of sub-paragraphs (a), (b) and (c) of that paragraph also relates thereto), the provisions of this Part of these Regulations shall apply with the exception of Regulations 37, 40 and 41.]

NOTES

Amendment Para (1): amended by SI 1982/1856, reg 2. Para (2): inserted by SI 1982/1856, reg 2.

36. Exits

Regulation 2 of these Regulations shall apply in connection with the giving of cinematograph exhibitions to which this Part of these Regulations applies with the exception of paragraph (5) thereof.

37. Seats

(1) Where the audience exceeds two hundred and fifty persons all seats in the auditorium shall, except in boxes accommodating not more than eight persons, be either securely fixed to the floor or battened together in lengths of not less than four or more than twelve.

(2) Regulation 3 of these Regulations shall apply in connection with the giving of cinematograph exhibitions to which this Part of these Regulations applies, with the exception of paragraph (2) thereof.

38. Staff

(1) A responsible person who has attained the age of [eighteen] years, being the licensee or some person nominated in writing by the licensee, shall be in charge of the premises at all times when the public are on the premises.

(2) At least two attendants, neither of whom shall be a person in charge of a projector, but of whom one may be the person in charge of the premises as aforesaid unless he is also in charge of a projector, shall be on duty to assist persons in entering and leaving the auditorium.

(3) Every member of the staff shall be instructed by the licensee of the premises or by some person nominated by the licensee in the safety precautions to be observed in the premises so far as those precautions relate to his duties, and in the action to be taken by him in the event of fire or other emergency.

NOTES

Amendment Para (1): word "eighteen" in square brackets substituted by SI 2002/1903, reg 2(1), (2)(e). Date in force: 12 August 2002: see SI 2002/1903, reg 1(2).

39. Fire precautions

(1) Fire appliances suitable to the fire risks in the premises shall be provided.

(2) These fire appliances shall be maintained in proper working order and be available for instant use.

(3) No inflammable substance shall be used for cleaning any film or film projector.

(4) Any metal work of a film projector liable to become charged with electricity if the insulation of a conductor should become defective or if a defect should occur in any film projection equipment, shall be effectively earthed.

40. 16 mm film

(1) The provisions of this Regulation shall apply in relation to film which does not exceed sixteen millimetres in width.

(2) No inflammable substance shall be used in repairing or jointing film in the auditorium or in any other part of the premises to which the public are admitted while the public are present there.

(3) If a film projector is placed in the auditorium or elsewhere than in a projection room-

(a) the film projector shall be surrounded by a clear space at least three feet wide which persons, not authorised by the person in charge of the projector or under section four of the Cinematograph Act 1909 (which relates to powers of entry for inspection), are prevented from entering by the erection of a barrier or other effective means;

(b) no smoking shall be permitted within the said clear space;

(c) the film projector shall be in the charge of a competent person who shall be present within the said clear space whenever the projector is working;

(d)

(i) no illuminant, other than electric light in hermetically sealed lamps, shall be used in the film projector;

(ii) the illuminant shall be separately encased in such a way as to prevent it accidentally coming in contact with the film;

(e) electrical conductors used for the film projector shall be suitably insulated and provided with a suitable protective covering over the insulation and shall, so far as practicable, be placed out of reach of the public.

41. Projection and rewinding rooms

(1) Film which exceeds sixteen millimetres in width shall not be projected, rewound, cleaned or otherwise manipulated except in a projection or rewinding room to which the public are not admitted.

(2) Projection rooms shall be large enough to enable the operators to work freely at the film projectors and any other equipment therein.

(3) Whenever a film projector is working in a projection room a competent person shall be in charge of, and present in, the projection room.

42. Lighting

(1) In all parts of the building to which the public are admitted means of illumination shall be provided capable of illuminating those parts clearly.

(2)

(a) Means of illumination adequate to enable the public to see their way out of the building shall be kept on at all times when the public are on the premises-

(i) in those parts of the building to which the public are admitted except those which are lit equally well by daylight, and

(ii) for the illumination of all notices indicating exits for use by the public in leaving the auditorium [unless these notices are self-powered notices].

(b) Means of illumination provided under paragraph (1) of this Regulation may be used for the purposes of this paragraph.

(3) If at any time there is a failure of the means of illumination mentioned in sub-paragraph (a) of paragraph (1) of this Regulation, and that means of illumination is either by electricity or by gas, the parts of the building and notices mentioned in the said sub-paragraph (a) shall immediately be illuminated by some alternative means of illumination adequate to enable the public to see their way out of the building.

NOTES

Amendment Para (2): amended by SI 1976/1315, reg 5.

Part IV

Additional Requirements in Connection with Television Exhibitions

43. Application of Part IV

Subject to the provisions of subsection (4) of section seven of the Cinematograph Act 1909 and of section five of the Cinematograph Act 1952 (which relate to exemptions in favour of certain exhibitions to which the public are not admitted or are admitted without payment), the provisions of this Part of these Regulations shall apply, in addition to the provisions of Part I or Part III of these Regulations, as the case may require, in connection with the giving of cinematograph exhibitions by means of television equipment and to the premises used in connection with the giving of such exhibitions and to the television equipment therein.

44. Voltage and amperage

The applied voltage of electricity used in television equipment shall not exceed 150,000 volts and the prospective fault current shall not exceed one ampere at any voltage exceeding 650 volts.

45. Television equipment

Television equipment shall comply with the following requirements:-

- (a) every circuit supplying electricity for high-tension television equipment shall be provided with electrical or thermo-electrical devices to break the circuit automatically on any dangerous rise in the temperature of the equipment or of the transformers, chokes, or smoothing devices used in connection therewith;
- (b) the television projector shall be so screened and the projected light beam shall be so directed, screened or filtered that no person shall be subjected to a radiation of X-rays of a rate exceeding 0.5 Rontgen units during seventy hours' continuous operation.

46. Television recording equipment

No inflammable film shall be used in connection with any television recording equipment in the premises.

47. Notice of installation

Television equipment shall not be installed in the premises unless two weeks' notice shall have been given to the licensing authority and shall not be used unless a reasonable opportunity shall have been given for any inspection or consultation which the licensing authority may think fit to undertake or require.

Part V

Miscellaneous

48. Exhibition of Regulations

Copies of these Regulations shall be exhibited in premises used in connection with the giving of cinematograph exhibitions to which any of the foregoing Parts of these Regulations applies so that they can easily be seen by members of the staff.

49. Interpretation

(1) In these Regulations-

"building" includes a building or structure of a moveable character:

"fire-resisting" means, in relation to a wall, floor, ceiling, door, hatch or shutter of a room, so capable of enduring fire as to be capable of preventing, for a period of thirty minutes from the occurrence, the passage of any fire which might occur in that room;

"gas fire" includes a gas-burning heating appliances in which the source of the gas is in liquid form or the gas is contained in a portable container;

"general lighting" has the meaning ascribed to it by Regulation 15 of these Regulations;

"heating appliance" means a gas or electric fire other than one which is so constructed that when the appliance is burning, or, in the case of an electric fire, consuming electric energy, at the maximum rate for which it is designed, the heating element and, in the case of a gas fire, any flame, is so enclosed within the body of the appliance that there is no likelihood of injury to the person from burning, or of ignition of clothing or other fabrics by reason of, in either case, contact with or proximity to, the heating element or any flame;

"heating element" means, in the case of a gas fire, that part thereof which is designed to be directly heated by the impingement thereon of the burning fuel, and, in the case of an electric fire, that part thereof which is designed to be directly heated by the passage of the electric current;

"inflammable film" means film which is more inflammable than safety film;

"licence" means a licence granted under section two of the Cinematograph Act 1909;

"licencee" means the person or persons to whom a current licence shall

have been granted, or, if there shall be no such person, then the occupier of the premises;

"projection room" means a substantially constructed room, separate from the auditorium, and used for the purpose of projecting moving pictures on to a screen by means of a film projector;

"rewinding room" means a substantially constructed room, separate from the auditorium, and used for the purpose of rewinding, examining, cleaning or otherwise manipulating film except in the ordinary course of projection;

"safety lighting" has the meaning ascribed to it by Regulation 16 of these Regulations.

["self-powered notice" means a notice approved by the licensing authority which has letters illuminated by radio-active means and of which the useful life (according to a date marked for the purpose on the notice by the manufacturer) has yet to expire.]

(2) The Interpretation Act 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) These Regulations shall not be construed as derogating from the power of a licensing authority in granting a licence under the Cinematograph Act 1909 to impose conditions or restrictions.

NOTES

Amendment Para (1): definition "self-powered notice" inserted by SI 976/1315, reg 6.

50. Repeals

(1) ...

(2) Section thirty-eight of the Interpretation Act 1889 shall apply as if these Regulations were an Act of Parliament and as if any Regulations revoked by these Regulations were Acts of Parliament repealed by an Act of Parliament.

NOTES

Amendment Para (1): contains revocations only.

51. Citation and commencement

(1) These Regulations may be cited as the Cinematograph (Safety) Regulations 1955, and shall come into operation on the first day of January, 1956.

(2) These Regulations shall not extend to Scotland or Northern Ireland.

Annex 2 – Conditions consistent with the Operating Schedule

1 General - all four licensing objectives

2 The admission of children to films shall be restricted in accordance with the recommendations given either by the British Board of Film Classification (BBFC) or by the Licensing Authority.

3 When films are classified by either the BBFC or the Licensing Authority they shall be classified in the following way:

- U - Universal. Suitable for all.

- PG - Parental Guidance. Some scenes may be unsuitable for young children.

- 12A - Passed only for viewing by persons aged 12 years or over or persons younger than 12 when accompanied by an adult.

- 15 - Passed only for viewing by persons aged 15 years or over.

- 18 - Passed only for viewing by persons aged 18 years or over.

4 Before the exhibition of a film passed by the BBFC there shall be exhibited on screen for at least five seconds, in such a manner to be easily read by all persons in the auditorium, a reproduction of the certificate of the board or as regards a trailer advertising a film of the statement approved by the board indicating the classification of the film.

5 Where a programme includes film recommended by the Licensing Authority as falling into the 12A, 15 or 18 category, no person appearing to be under the age of 12 and unaccompanied or under 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

- "persons under the age of [insert appropriate age] cannot be admitted to any part of programme"

Where films of different categories form part of the same programme the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent by the person's parent or legal guardian has first been obtained.

6 The Prevention of Crime and Disorder

7 The sale of alcohol will always cease at least 30 minutes before the end of the last film to be shown at the premises on any night.

8 Drinks supplied will be dispensed into either plastic/polycarbonate glasses or supplied in plastic bottles at all times within the auditoriums.

9 There will be no irresponsible drinks offers to promote drinking alcohol to excess.

10 An incident log will be kept to record any incidents of crime and disorder and/or attempted underage sales. This log will be made available for inspection on request of a Police or Licensing Officer of the local authority.

11 Staff will be trained and directed to challenge persons who appear to be under the age of 21 to provide documentary proof of age including passport, driving licence or an acceptable credible alternative.

12 All staff working with the sale of alcohol will be trained as to their responsibilities in respect of the four licensing objectives, refusing sales to drunken persons and preventing sales of alcohol to young people under the age of 18.

13 A record will be made of this training showing who was trained, when and by whom, and the subjects covered. This record will be made available to police or officers of the licensing authority on reasonable request.

14 A proof of age scheme will be operated and notices will be displayed at points of sale advising that photographic ID will be requested.

15 The auditoria shall be monitored by staff at regular intervals when in use.

16 At all times when alcohol is on sale in the bar area a member of staff will be positioned to monitor the fridges.

17 Public Safety

18 Premises without a staff alerting system.

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out as follows:

Number of members of the audience present on the premises _ 1-250. Minimum number of attendants required on duty _ Two.

And one additional attendant for each individual 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 shall be present in any auditorium or on any floor.

Premises with a staff alerting system

Where the premises are equipped with a staff alerting system the number of attendants present should be as set out as follows

Number of members of the audience present on the premises _ 1-500. Minimum number of attendants required on duty _ Two. Minimum number of other staff on the premises who are available to assist in the event of an emergency _ One.

Number of members of the audience present on the premises _ 501-1000. Minimum number of attendants required on duty _ Three. Minimum number of other staff on the premises who are available to assist in the event of an emergency _ Two.

Number of members of the audience present on the premises _ 1001-1500. Minimum number of attendants required on duty _ Four. Minimum number of other staff on the premises who are available to assist in the event of an emergency _ Four.

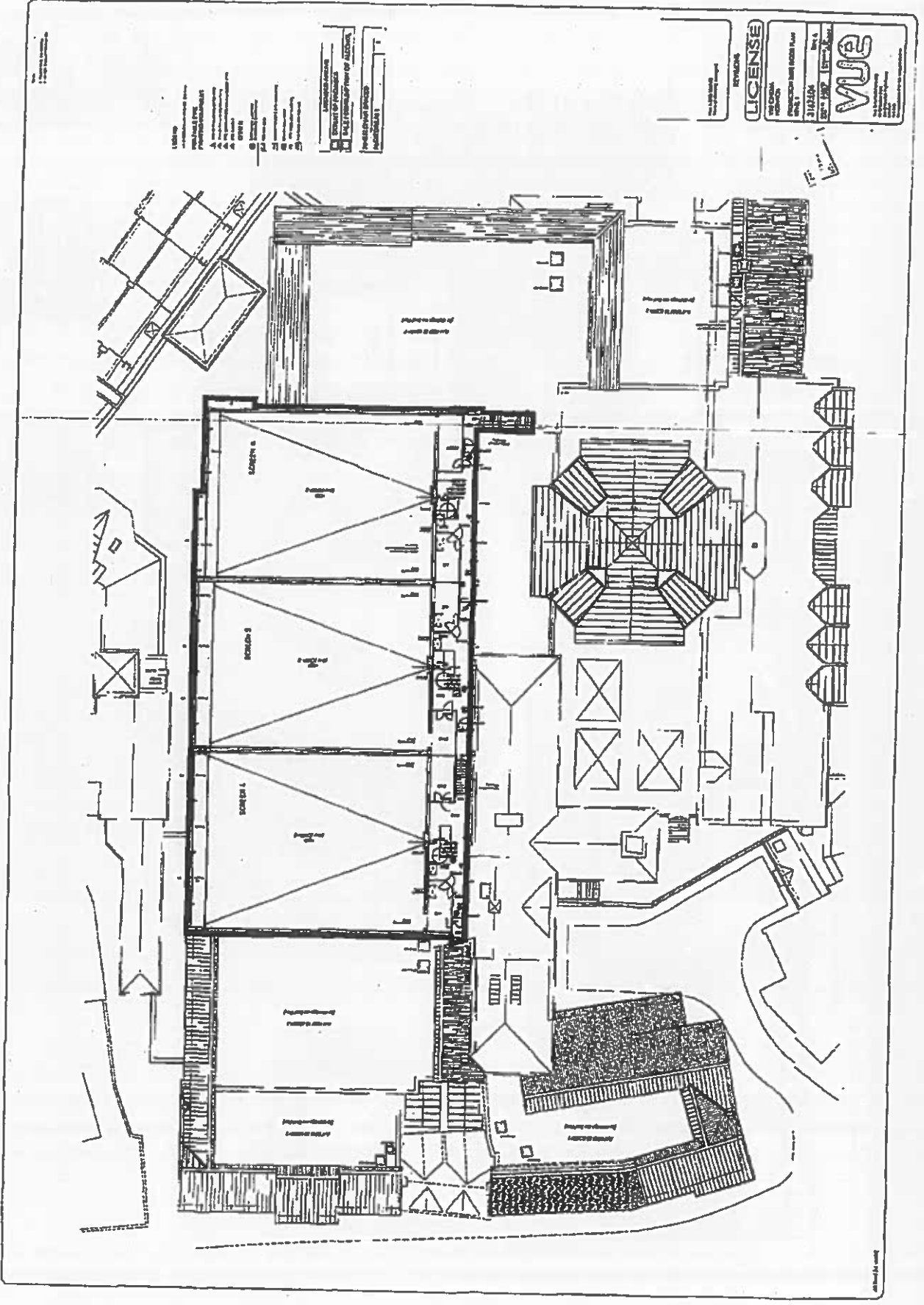
Number of members of the audience present on the premises _ 1501 or more. Minimum number of attendants required on duty _ Five (plus on for every 500 (or part thereof) persons over 2000 on the premises). Minimum number of other staff on the premises who are available to assist in the event of an emergency _ Five (plus on for every 500 (or part thereof) persons over 2000 on the premises).

Staff shall 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; or a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or 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.

Attendants shall, 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.

The staff alerting system shall be maintained in working order.

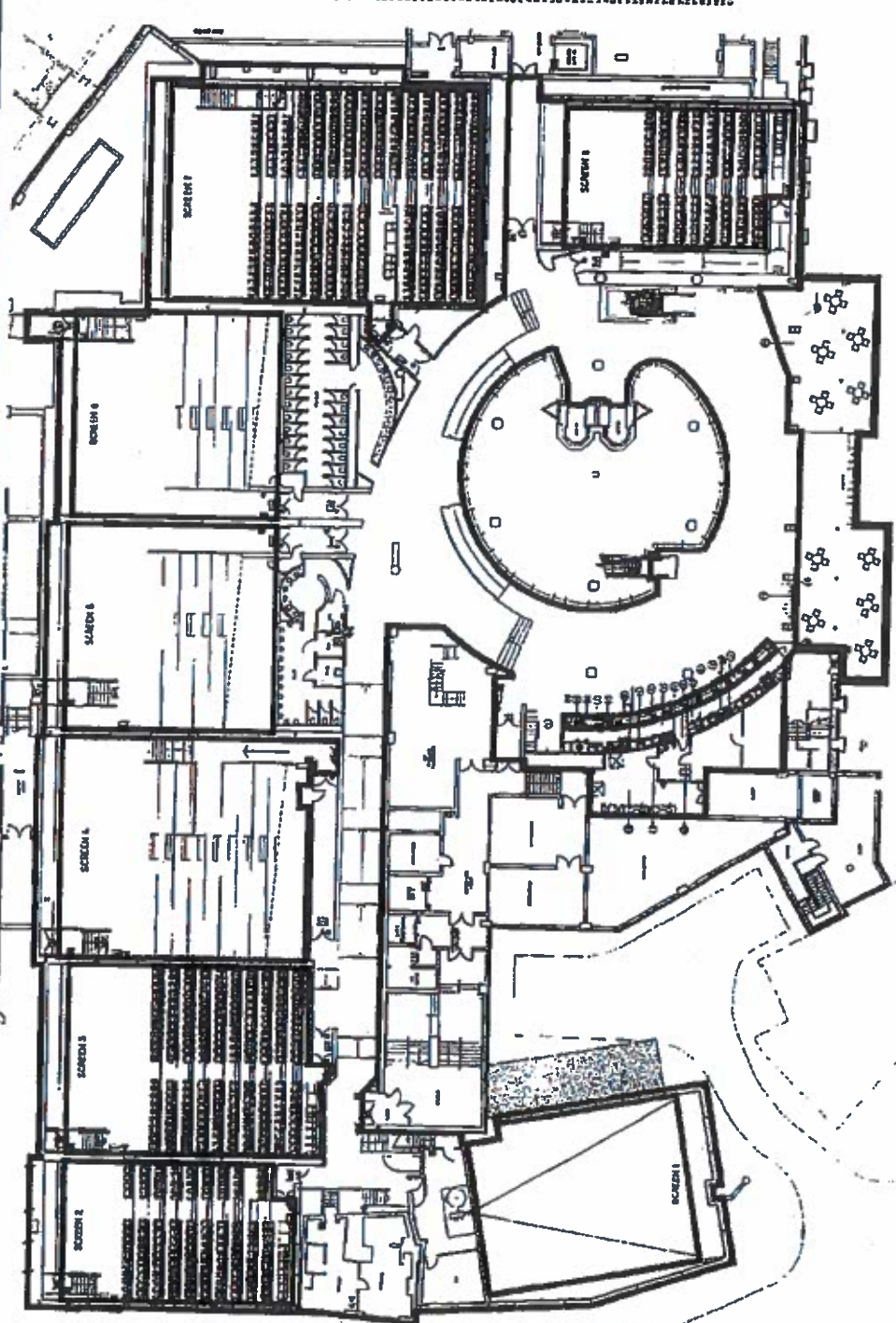
Annex 3 – Conditions attached after a hearing by the licensing authority



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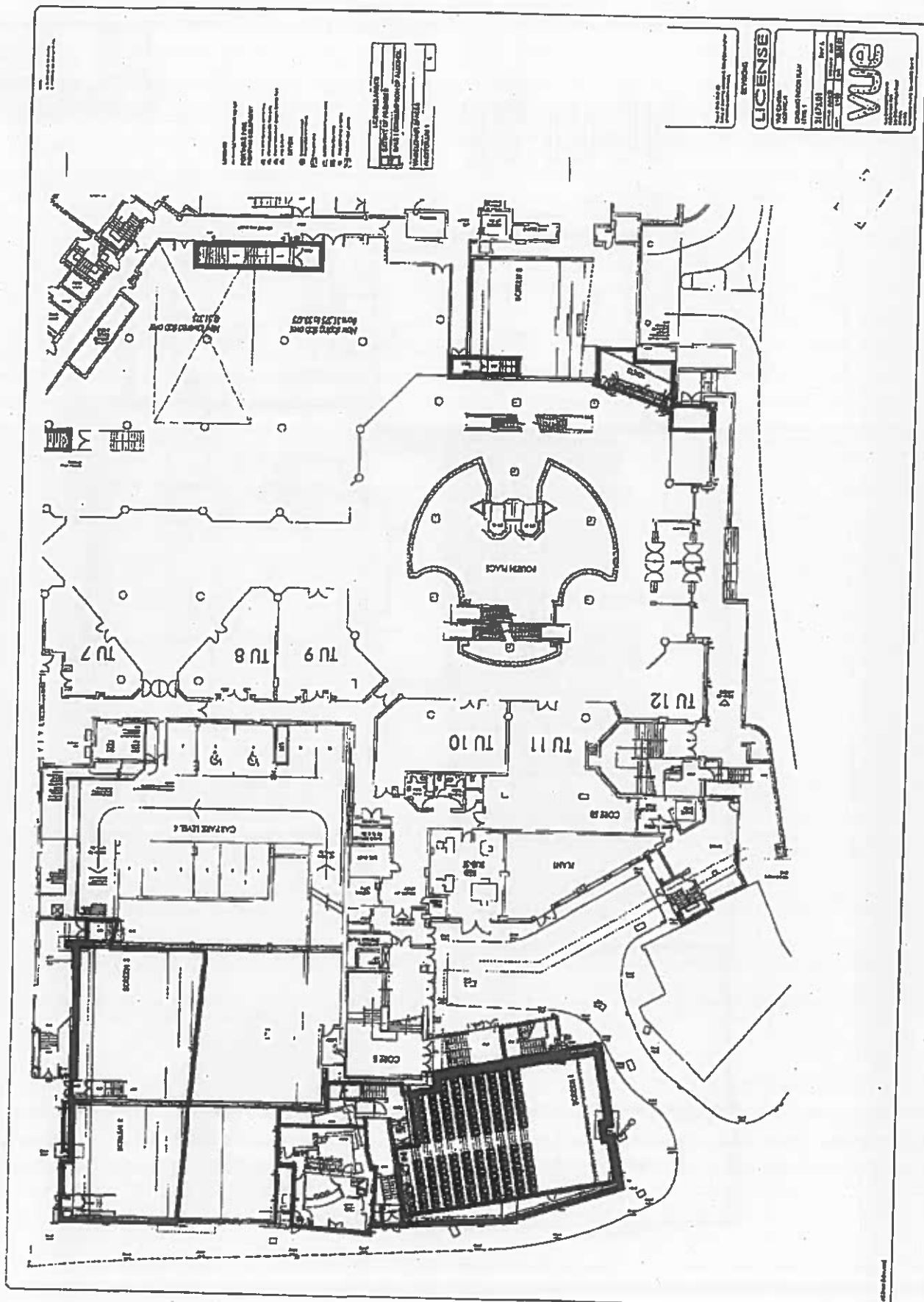
SCREEN 1
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LICENSE

License No. 3167202
 Licensee Name: JAMES J. RAY
 License Type: A
 License Status: Active
 License Expiration Date: 12/31/2018

Licensee Name: JAMES J. RAY
 License Type: A
 License Status: Active
 License Expiration Date: 12/31/2018

Licensee Name: JAMES J. RAY
 License Type: A
 License Status: Active
 License Expiration Date: 12/31/2018



Norwich City Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Vue Entertainment Limited

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below


Premises licence number 08/01208/PREMTR

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Vue Cinema 18 Golden Ball Street			
Post town	Norwich	Post code	NR1 3DF

Telephone number at premises (if any)	01603 664781
Non-domestic rateable value of premises	£357,000.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current residential address if different from premises address	Vue Entertainment 10 Chiswick Park 566 Chiswick High Road		
Post Town	London	Postcode	W4 5XS



Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

☒

If not, from what date do you want the variation to take effect?

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To remove the following condition:
Intoxicating liquor shall only be consumed in the bar area.

To replace the following condition:

The auditoria shall be monitored by staff at regular intervals when in use
with:

Regular checks throughout cinema opening will be made of screens by members of staff wearing visual aids, which permit them to see customers in the dark. During these checks, specific attention will be paid to persons who may be consuming alcohol to ensure that they are doing so in a responsible manner, and that no person under the age of 18 is being supplied with alcohol

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please read guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

☐
☐
☐
☐
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☐
☐
☐

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Sale by retail of alcohol (if ticking yes, fill in box J)

☐

In all cases complete boxes K, L and M

A NO CHANGE

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 6)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)			
Sun						

B NO CHANGE

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)			
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)	
Mon				
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)	
Wed				
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	
Sat				
Sun				

E NO CHANGE

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

F NO CHANGE

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

G NO CHANGE

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H NO CHANGE

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors <input type="checkbox"/>
Mon					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J No change

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>None</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	03:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	09:00	03:00	
Wed	09:00	03:00	
Thur	09:00	03:00	
Fri	09:00	03:00	
Sat	09:00	03:00	
Sun	09:00	03:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

To remove the following condition:
 Intoxicating liquor shall only be consumed in the bar area.

To replace the following condition:
 The auditoria shall be monitored by staff at regular intervals when in use

with:

Regular checks throughout cinema opening will be made of screens by members of staff wearing visual aids, which permit them to see customers in the dark. During these checks, specific attention will be paid to persons who may be consuming alcohol to ensure that they are doing so in a responsible manner, and that no person under the age of 18 is being supplied with alcohol

Please tick yes

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it. below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

To remove the following condition:

Intoxicating liquor shall only be consumed in the bar area.

To replace the following condition:

The auditoria shall be monitored by staff at regular intervals when in use

with:

Regular checks throughout cinema opening will be made of screens by members of staff wearing visual aids, which permit them to see customers in the dark. During these checks, specific attention will be paid to persons who may be consuming alcohol to ensure that they are doing so in a responsible manner, and that no person under the age of 18 is being supplied with alcohol

b) The prevention of crime and disorder

As above in box a)

c) Public safety

As above in box a)

d) The prevention of public nuisance

As above in box a)

e) The protection of children from harm

As above in box a)

Please tick yes

- I have made or enclosed payment of the fee or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of
other duly
applicant ple

licence holder) or applicant's solicitor or
ance note 13). If signing on behalf of the

Signature	
Date	29 June 2018
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Craig Barwell Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349170		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) c.barwell@popall.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Bennett, Rachel

From: noreply_xforms@norwich.gov.uk
Sent: 11 July 2018 22:25
To: LICENSING
Subject: Licensing - Representation Form

Norwich City Council

Licensing Authority

Licensing Act 2003



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

Your name/organisation name/name of body you represent	Owen Jenkins
Postal address	42 Friars Quay, Norwich, NR3 1ES
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Vue Cinema, 122-125 Castle Mall NR1 3DD

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below		
To prevent crime and disorder	I object to this on the grounds that it does not adequately set out how staff will assess and prevent underage drinking at all times.		
Public safety			
To prevent public nuisance			
To protect children from harm	I object to this application on the grounds that it will enable alcoholic drinks to be consumed in the same area as children who have visited to watch films but are not able to segregate themselves from the areas alcoholic drinks are consumed		
Please suggest any conditions which would alleviate your concerns	Alcoholic drinks only to be consumed in films rated 18 and after 8pm		
Full name:	Owen Jenkins	Date:	11/07/2018

Local Policy considerations

1.0 Introduction

1.4 The 2003 Act requires the council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

2.0 Consultation and Links to other Policies and Strategies

2.7 So far as possible, the council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

3.0 Applications for Licences

3.2 Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.

3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.

4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be

evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation will only be accepted by the council if it is ‘relevant’, i.e. it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.
- 5.0 Conditions attaching to Licences
 - 5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
 - 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
 - 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
 - the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
 - the proposed hours of operation;
 - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
 - the means of access to the premises including the location of customer entrances and exits;
 - the provision of toilet facilities;
 - the frequency of the licensable activity.

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

13.0 Management of Licensed Premises

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

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

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

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

their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

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

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

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

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;

Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;

Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;

Provision of toughened or plastic drinking vessels and bottles;

Provision of 'bottle bins' inside the premises and near exits;

Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;

Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;

Provision of litterbins and other security measures, such as lighting, outside premises;

Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;

Responsible advertising;

Distribution of promotional leaflets, posters etc;

Drug Seizure Kits (available from Norfolk Police Operation Enterprise);

Member of the 'NiteLink' radio scheme;

Working in partnership with the SOS Bus scheme;

Ban known offenders and share information with other licensed premises in the area;

Implement a dispersal policy;

Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

24.0 Objective - prevention of public nuisance

24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises

are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.
- 24.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**
- 24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
 - the hours of opening, particularly between 11pm and 7am
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and in particular the presence of noise limiting features
 - the occupancy capacity of the premises
 - the availability of public transport
 - wind down period between the end of the licensable activities and closure of the premises
 - last admission time
 - preventing litter and refuse becoming an eyesore
 - consideration of local residents that they are not upset by loud or persistent noise or by excessive light
 - preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
 - avoid early morning or late night refuse collections
 - avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning

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

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

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

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

SECTION E - Hours of Trading

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

National Guidance

(issued under section 182 of the Licensing Act 2003)

Licence conditions – general principles

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

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

Each application on its own merits

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

Crime and disorder

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

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

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

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

Public nuisance

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditions attached to premises licence

General

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

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

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

Proposed conditions

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

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

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

Consistency with steps described in operating schedule

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

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

Imposed conditions

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

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

Proportionality

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

Hours of trading

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

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

The need for licensed premises

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