



Licensing committee

Date: **Thursday, 06 June 2019**
Time: **16:30**
Venue: **Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH**

Committee members:

Councillors:

Stutley (chair)
Ackroyd
Brociek-Coulton
Fulton-McAlister (E)
Giles
Huntley
Maxwell
McCartney-Gray
Oliver
Price
Ryan
Schmierer

For further information please contact:

Committee officer: Alex Hand
t: (01603) 212459
e: alexhand@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

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



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

1 Appointment of vice chair

To appoint the vice chair for the ensuing civic year

2 Apologies

To receive apologies for absence

3 Declarations of interest

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

4 Public questions/petitions

To receive questions / petitions from the public

Please note that all questions must be received by the committee officer detailed on the front of the agenda by **10am on Monday 3 June 2019**.

Petitions must be received must be received by the committee officer detailed on the front of the agenda by **10am on Wednesday 5 June 2019**

For guidance on submitting public questions or petitions please see appendix 1 of the council's constitution.

5 Minutes

5 - 8

Purpose - To approve the accuracy of the minutes of the meeting held on 7 March 2019

6 Appointments to regulatory sub committee 2019-20

9 - 10

Purpose - To appoint members of the licensing committee to sit on the regulatory sub committee

7 Gambling Statement of Principles and Local Area Profile

11 - 104

Purpose - To consider the responses received from the statutory consultation process following a draft revised Statement of Principles in respect of gambling, under the Gambling Act 2005.

8 Sex Establishment Policy

105 - 148

Purpose - To consider the responses received from the statutory consultation process following a draft revised

Statement of Licensing Policy for Sex Establishments, under
the Local Government (Miscellaneous Provisions) Act 1982.

- 9 Standing item - regulatory subcommittee minutes 149 - 156**
To receive the minutes of the regulatory subcommittees held
on 11 March 2019 and 13 May 2019.

Exempt items:

(During consideration of these items the meeting is not likely to be open to the press and the public.)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12 A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, members are asked to decide whether, in all circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

Date of publication: **Wednesday, 29 May 2019**

Licensing committee**14:15 to 16:40****7 March 2019**

Present: Councillors Malik (chair), Fulton-McAlister (E) (vice chair), Ackroyd, Bradford, Brociek-Coulton, Fullman, Huntley, Maxwell, Raby (sub for Henderson), Ryan, Stewart and Thomas (Va)

Apologies: Councillors Henderson and Price

1. Public questions/ petitions

There were no public questions or petitions received.

2. Declarations of interest

There were no declarations of interest.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 18 December 2018.

4. Application for the Grant of a Sexual Entertainment Venue Licence – Lace, 75 Prince-of-Wales Road, Norwich, NR1 1DG

The environmental protection, licensing and markets manager presented the report. A member asked if it was possible to have an indication of the feedback received to date in relation to the consultation on the draft Sexual Establishment Policy. The legal advisor to the committee advised that no weight could be given to this information and the application in front of the committee was being assessed under the current policy and not the draft policy.

A member queried if the certificate in the agenda pack on page 23 had been returned to the licensing department signed, as the copy provided within the agenda pack was not. (The committee adjourned whilst the certificated was produced.)

The legal advisor for the applicant said that the licensing committee had met on 6 September 2018 and proposed to set a cap on Sexual Entertainment Venues (SEVs) at three, she said the logic for this seemed to be that three existed in the area of the city at that time. The venue then did not renew its licence leaving two SEVs in the area. When the draft policy figures were considered, these were set at two again as

the logic seemed to be that this reflected the current number in the area.

The business was owned by a family with a history of owning and running licensed premises. The family had suffered a well publicised tragedy and the renewal date for the licensing of the premises had been missed. If not for this family tragedy, the business would hold a current licence. The business had been licensed as required since 2010.

The chronology of events was summarized, on 7 September 2017, the initial SEV licence was granted, and expired on 7 September 2018. On 11 September 2018 the manager of the business died. The licensing committee convened on 6 September 2018 and at this time there were only two SEVS in the area; therefore the draft policy was set at two. The application being made was under Norwich City Council's existing policy which did not have any cap on numbers.

There were no police objections to the application. The operator had a nine year trading history and members were referred to papers which had been circulated which were anonymized emails from previous performers and workers at the club in support of the application.

A member asked if there had been changes in the business's interaction with the police. The police licensing officer said that various people had been running and managing the club over the period of its ownership by the family but the police had no issues with crime and disorder.

A member asked why the premises were referred to as a 'gentleman's club' and question if it was only for gentleman. The legal advisor for the applicant said if the licence were granted the business could give thought to rewording. It was not meant to exclude women from visiting the premises.

Norwich City Council's standard licence conditions stated that licence holders were responsible for ensuring the safe passage of performers from their venue and at LACE security staff were paid to walk performers to their cars or a taxi.

A member asked if the premises employed any male, transgender and or mature dancers. The legal advisor for the applicant said it was outside the premises control who applied to work there or who attended the business. Mr Ward, premises manager said that female customers were not turned away but did not attend in high numbers.

A member asked why all performers were self employed and if there was scope for a performer to ask to become employed. The legal advisor to the applicant said that it was personal choice and was the most common model across this style of business.

A member noted an inconsistency in the paperwork presented and asked for clarification on the minimum age of entry. Mr Ward said that the policy was 'challenge under 25' but customers over 18 were allowed in to the premises.

In response to member questions, Mr Ward said that there were two security operatives on site when the business was open, one at the front doors and one upstairs. Customer's bags and coats were checked upon entry.

The legal advisor to the applicant said that the current application had been submitted on 3 January 2019. However, the business had been shut since approximately

February 2018, before the expiry of the original SEV licence due to possession issues which were now fully resolved. Mr Peri held significant responsibilities within the business and the fact that the SEV licence had not been renewed only came to light after his death. When the family became aware they started to pursue a fresh application.

In response to a member question regarding performer welfare, Mr Ward explained the role of the housemother, who could be a man or a woman and was available for performers to talk to if they had any concerns. Records of conversation relating to welfare concerns were kept by the manager. A member asked how exploitation of performers was picked up upon. Mr Ward said at interview and induction questions were asked about whether it was their choice to work. He said that the venue was 'close knit' and issues were dealt with. A member asked what specific training the house mother had undertaken. Mr Ward said that they were normally ex dancers, familiar with the business who acted in an 'agony aunt' role.

A member asked about the interview and induction process. Mr Ward advised that at induction, the code of conduct and house rules were explained and a performer introduced to the venue, was carried out this normally lasted an hour to an hour and half. The business actively recruited via social media platforms but many dancers approached the club directly.

A member asked if the area had changed since the original SEV licence was granted in September 2017. Mr Ward said that the clientele of the area had changed, the night time economy was slower and fewer people were spending. The legal advisor to the committee discouraged against considering market forces when determining an application.

A member noted that a large amount of residential housing was due to be built on Mountergate. The legal advisor to the committee noted that Mountergate was the only building raised as relevant to consider in the area, a member noted that there was also a school near the proposed premises.

The committee heard from Daz Crawford who had submitted a representation to the application. Mr Crawford said he operated a SEV in the area, he was an ex dancer and performer who had been in the industry over 25 years. He objected to the application as he was concerned the draft policy on sexual establishments was proposing a cap of two sex establishments and his was one of the two current businesses operating in that area. It would be perverse to grant the application today then have to review all three applications in September.

The legal advisor to the applicant summarized her points and said, there had been a considerable discussion on caps but the committee were respectfully required to apply the policy which existed, and could not pre judge the outcome of the consultation. There were multiple licensing authorities who had set the appropriate number of SEVs in their area at nil but yet continued to renew the SEVS existing in their area annually on the basis that they were trading lawfully.

This application was made by an operator who had been trading lawfully for the best part of a decade without issue. The police had raised no concerns with the application and no local resident, school or religious establishment had raised any issue. The applicant thought that weight must be paid to this. The applicant admitted their oversight and the reasons why the application to renew the licence had not been

made. The committee's comments on improvements which could be made had been noted.

RESOLVED to exclude the public from the meeting below on the grounds contained in paragraph 5 of Schedule 12(A) of the Local Government Act 1972, as amended.

(Following discussion, the public and the applicant were readmitted to the meeting.)

The legal advisor to the committee advised that the committee had applied its current policy and not the draft policy to the application. It was noted there were no complaints or concerns from any school or religious establishments nor from any resident. The police had no concerns regarding crime and disorder.

This decision to grant did not pre judge any later decision on the draft policy following close of consultation. The committee did not consider on the evidence provided that any of the statutory reasons for refusal were evidenced.

RESOLVED with Councillors Ackroyd, Bradford, Brociek-Coulton, Fullman, Fulton-McAlister (E), Huntley, Maxwell, Raby, Ryan and Stewart voting in favour of the application and Councillors Malik and Thomas (Va) voting against, that the application be granted subject to the following conditions:

- (1) that welfare training for house parents is introduced to include safeguarding training, health and safety and wellbeing; and
- (2) for the interviewing procedure to include information about other employment statuses and an explanation of the rights associated with these.

5. Standing item – Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 10 December 2018 and 11 February 2019.

CHAIR

Report to	Licensing committee 6 June 2019	Item
Report of	Democratic and elections manager	6
Subject	Appointments to regulatory sub committees 2019-20	

Purpose

To appoint members of the licensing committee to sit on the regulatory sub committee.

Recommendation

To agree the appointments to regulatory sub committee meetings detailed at paragraph 5 of the report.

Corporate and service priorities

The report helps to meet the corporate priority of great neighbourhoods, housing and environment.

Financial implications

None

Ward/s: All wards

Cabinet member: Councillor Maguire – Safe and sustainable city environment

Contact officers

Stuart Guthrie, democratic and elections manager 01603 212055

Background documents

None

Report

1. The regulatory sub committee meets each month and is made up of five members of the licensing committee.
2. In order that members may organise their diaries, democratic services have allocated five members to each meeting throughout the civic year 2019-20.
3. At the time of publication, one place on the licensing committee has yet to be filled.
4. Members are asked to agree the appointments at point 5 below and in the event they are unable to make the meeting, arrange an appropriately trained substitute.

Appointments

5. The appointments for 2019-20 are as follows:

Date of meeting	Councillors
10 June 2019	Stutely, Brociek-Coulton, Fulton-McAlister (E), Giles, Price
8 July 2019	Stutely, Huntley, Maxwell, McCartney-Gray, Schmierer
12 August 2019	Stutely, Oliver, Ryan, vacancy, Price
16 September 2019	Stutely, Brociek-Coulton, Fulton-McAlister (E), Schmierer, Ackroyd
14 October 2019	Stutely, Giles, Huntley, Maxwell, vacancy
11 November 2019	Stutely, McCartney-Gray, Oliver, Ryan, Price
9 December 2019	Stutely, Brociek-Coulton, Fulton-McAlister (E), Schmierer, vacancy
13 January 2019	Stutely, Giles, Huntley, Price, Ackroyd
10 February 2019	Stutely, Maxwell, McCartney-Gray, Oliver, Schmierer
9 March 2019	Stutely, Ryan, Brociek-Coulton, Fulton-McAlister(E), vacancy
6 April 2019	Stutely, Giles, Huntley, Price, Schmierer
18 May 2019	Stutely, Maxwell, McCartney-Gray, vacancy, Ackroyd

Report to	Licensing committee	Item
	6 June 2019	
Report of	Public Protection Manager	7
Subject	Gambling Statement of Principles and Local Area Profile	

Purpose

To consider the responses received from the statutory consultation process following a draft revised Statement of Principles in respect of gambling, under the Gambling Act 2005.

Recommendation

To recommend Council to adopt the revised draft Statement of Principles.

Corporate and service priorities

The report helps to meet the corporate priority of great neighbourhoods, housing and environment through the administration of the licensing function.

Financial implications

Publication costs to be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Maguire – Safe and sustainable city environment

Contact officers

Tony Shearman, Environmental protection, licensing and markets manager 01603 212278

Background documents

None

Report

Background

1. The Council is the licensing authority for the purposes of the Gambling Act 2005, which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
2. The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.
4. The current Statement was adopted by the council in November 2006, and published in January 2007.
5. From April 2016, all industry operators have had to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people.
6. To assist operators the licensing authority may produce a Local Area Profile that will act as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments. This Local Area Profile may be included as part of the Statement of Principles, or as a separate document.
7. At the meeting of the 18 December 2018, members considered a report detailing a draft of an updated Statement of Principles and resolved to authorise the head of citywide services to undertake a public consultation on the draft document, in accordance with the act.
8. This draft Statement of Principles does not include a Local Area Profile which is produced as a standalone document. A copy of the current draft Local Area Profile is attached at Appendix A, for information.

Consultation

9. Consultation is critical to ensure any changes to the Statement of Principles are clear and transparent for businesses, responsible authorities and the public.

10. The legislation specifies those persons and groups that the Council has a duty to consult with.
11. For 8 weeks preceeding the 13 March 2019 we followed our consultation standards to ensure we consulted with all the statutory consultees by:
- Writing to the chief officer of police
 - Publicising the consultation on the Council's website
 - Writing to or emailing the responsible authorities listed in Appendix 1 of the Statement of Principles
 - Writing to or emailing bodies that are either people representing the interests of persons carrying on gambling businesses or persons who may be affected, as listed in para. 2.12 of the proposed document.
12. There were 2 responses to the consultation, one from the Gambling Commission as follows:-

The list of Primary Authorities at 7.8 is out of date so maybe, rather than include a table, a link to where we keep an up to date list on our website may be of more use? The link is below

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-toolkit.aspx>

And another from a trade operator as follows:-

Thank you for the opportunity to make comments on the above consultation. On behalf of Luxury Leisure I make the following points in relation to the consultation draft (the "Draft"):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We suggest it would be helpful to include reference to the Code.

2. Para 4.3 – the Responsible Authorities (RA) are set out in s 157 of the Act. Any additional RAs can only be added by regulations made by the Secretary of State – not by local authorities. No such regulations have been made. As the authority notes in the draft, the agencies referred to are not RAs and, with respect, it is not open to the authority to treat them as such in the absence of regulations. Under the Act, unlike the Licensing Act 2003, government chose not to include public safety as a licensing objective and the list of RAs mirrors that parliamentary decision. It is therefore not clear on what basis the Authority nonetheless proposes to include the statement at Para 4.3 that it will "treat representations from such agencies as if they were representations from Responsible Authorities" despite acknowledging that they are not RAs. The suggestion would in effect seek to redraft primary legislation, which plainly it cannot do.

3. Paras 9.6 and 17.3: as the Authority will appreciate, it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended. As such, we suggest it would be appropriate to make it clear that applications for premises licences can be made regardless of whether the building in question is finished. An applicant can apply for a provisional statement if the building is not completed, but it does not have to take that course and can instead apply for licence. It is notable that applications for provisional statements are quite rare for the above reasons.

4. Paras 12, 13 and 14: We note that bullet points listed in the second paragraph under 10.1 for AGCs and at paragraph those at paragraph 11.2 for FEC premises, are for some reason not repeated for licensed Bingo, betting or casino premises. The issues are the same and we submit therefore that the Draft is inconsistent in this regard.

5. Para 10.1: We do not understand why the fact that people might be able to see gambling taking place, is of relevance – particularly given the licence restrictions about entry etc. Neither the Act nor the LCCP imposes such a restriction in relation to a legal and licensed activity. Even if the wording is proposed under the auspices of the protection of children, we would point out that children can take part in limited forms of gambling and such a restriction could not therefore apply to those activities in any event. Furthermore, if the basis of the proposal is to protect children, the Authority would presumably intend to impose such restrictions in relation to the consumption of alcohol, which children can see through pub and restaurant windows, in beer gardens and on street terraces licensed by the Authority.

13. To address the comments raised in the consultation, amendments have been made to the following paragraphs of the draft Statement of Principles:-

1.3, 4.3, 6.4, 7.8, 9.6, 10.1, 12.3, 13.5, 14.5 and 17.3

14. A copy of the amended draft Statement of Principles is attached at Appendix B.

Legal Implications

15. Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.

16. In preparing the statement, the Council must consult the following people for its area:

- The chief officer of police
- People representing the interests of persons carrying on gambling businesses

- Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act

17. Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:

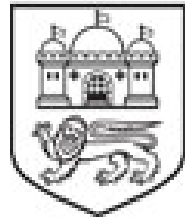
- specify the date on which the statement or revision is to be published
- specify the date on which the statement or revision will come into effect
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement
 - a public notice board in or near the principal office of the authority
 - a public notice board on the premises of public libraries in the area covered by the statement.

18. If members resolve that the revised draft Statement of Principles be presented for approval at Council, the above public notification requirements will take place once approved by Council.

Conclusion

16. The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed, a draft prepared and opened to public consultation, and appropriate amendments have been proposed following the consultation.

17. Members are asked whether to recommend that the draft Statement of Principles be adopted at Council.



NORWICH
City Council

LOCAL AREA PROFILE

February 2019

DRAFT 2.2.2019

Contents		
1	Introduction	
2	Geography of the City	
3	Local economy	
4	Resident population	
5	Crime and Disorder	
6	Gambling context	
7	Gambling Premises in the City of Norwich	
8	Potential Risks associated with Gambling Premises in the City of Norwich	
9	Sex Establishments in the City of Norwich	
10	City Areas	
11	Management of Norwich's night-time economy	
References, Bibliography and other data sources		
Appendix	Detailed city profile by ward	

List of Tables		
2	UK Business Counts (2017)	
3	Comparison of Population by Age Group	
4	Norwich population by ward	
5	Household composition in Norwich	
6	Households in Norwich by tenure	
7	Ethnicity Percentage of population	
8	Percentage of Norwich population economically inactive compared with that of the region and England as a whole June 2017	
9	Comparison of Earnings (2017)	
10	Snapshot of offences in Norwich -month of Feb 2018	
11	Types and Numbers of Gambling Premises in the City of Norwich as at 1 April 2018	
12	Types and Numbers of Licensed Sex Establishments in the City of Norwich as at 1 April 2018	

List of Figures		
1	Map showing the Local authority areas in Norfolk	
2	Map showing the Wards in the City of Norwich (as at September 2018)	
3	Map showing the City Centre Leisure Area	
4	Map showing the Late Night Activity Zone	

1. Introduction

This profile has been produced by the City Council as an associate document to the City Council's key Licensing Policies. Data has been included from a number of published sources together with information from the responsible authorities.

It has been developed following the recommendations of the Gambling Commission and the Local Government Association and is intended to assist local Gambling Operators prepare their local assessments.

At the present time the City Council nor the responsible authorities have any evidence to indicate Gambling activities in the City are a problem. Nevertheless potential risks are always present and the City Council encourages operators and all others involved to work together to address such issues.

The profile is also intended to assist the City Council and potential applicants when considering applications for sex establishments across the city. To that end it should be read in conjunction with the City Councils Policy on Sex Establishments.

2. Geography of the City

The City of Norwich is one of 7 local authority areas in Norfolk. The urban area of Norwich extends beyond the Norwich City Council boundary, with extensive suburban areas on the western, northern and eastern sides. Norwich City Council is one of four councils that provide services to Norwich, along with Broadland District Council, South Norfolk Council and Norfolk County Council.

Figure 1

Map showing the Local authority areas in Norfolk



The city council is responsible for approximately 60 per cent of the urban area of Norwich, in central Norfolk. Its area covers 3,902.35 hectares around the Rivers Yare and Wensum including the historic city centre.

Norwich is an innovative, creative city with big ambition for both the place and the people who live here. The fastest growing economy in the east of England, it is home to the headquarters of 50 major companies, is one of the top shopping destinations in the country, and is the regional cultural capital. Yet, in sharp contrast to this, outward economic prosperity, Norwich has a low-wage economy and high levels of deprivation.

Norwich's position as a regional centre means there are high levels of inward travel for work, shopping, cultural and leisure activities.

The city is ranked 5th in the UK (outside of London) for the number of day visitors (17.7 million) it attracts

Norwich is readily accessible by road, rail, and air.

- Major roads link the City to all parts of Norfolk and south to Suffolk. However these arteries suffer significant congestion on a daily basis affecting internal journeys around parts of the City as well as connections beyond. The A47 provides a southern bypass to the City as well as providing access west to Kings Lynn and the Midlands and east to the ports of Yarmouth and Lowestoft. Norwich is also served by the A11/M11 to London which has been upgraded to dual carriageway in recent years
- The city is served by a rail link from Norwich Thorpe Station in the heart of the City. There are frequent trains to Ipswich, London and Cambridge. In addition regular trains to Peterborough and Ely provide links, serving the Midlands and Northern England. Local services also operate to Great Yarmouth, Lowestoft and North Norfolk.
- Norwich International Airport is located in the north of the City and provides direct scheduled flights to Schiphol Airport, Amsterdam with connections to many destinations world-wide as well as to several UK airports
- With 2 navigable rivers flowing through the city it is on the Broads waterway network providing access to river cruisers and has a yacht station on the riverfront regularly used by visiting boaters.
- It has links by sea via Great Yarmouth (which is the closest port) to Northern Europe with the Dutch port of IJmuiden less than 161km (103 nautical miles) away.

3. Local Economy

3.1. Industry and Businesses

Norwich is home to more than 123,000 jobs and more than 8,000 businesses - almost one-half of jobs are based in large companies and the city is one of the largest centres of employment in greater south-east England. Norwich contributes more than £3 billion per annum to the national economy.

Table 2
UK Business Counts (2017)

	Norwich (Numbers)	Norwich (%)	East (Numbers)	East (%)
Enterprises				
Micro (0 To 9)	3,825	83.6	244,305	90.0
Small (10 To 49)	580	12.7	22,260	8.2

Table 2
UK Business Counts (2017)

	Norwich (Numbers)	Norwich (%)	East (Numbers)	East (%)
Medium (50 To 249)	130	2.8	3,835	1.4
Large (250+)	40	0.9	945	0.3
Total	4,575	-	271,335	-
Local Units				
Micro (0 To 9)	4,740	76.5	266,175	85.7
Small (10 To 49)	1,150	18.5	36,150	11.6
Medium (50 To 249)	280	4.5	7,345	2.4
Large (250+)	35	0.6	1,015	0.3
Total	6,200	-	310,685	-

Source: 1 - Inter Departmental Business Register (ONS)

Note: % is as a proportion of total (enterprises or local units)

Norwich is predominantly a service sector economy, with just 6 per cent of employment in the manufacturing sector and 5 per cent in construction. It is ranked 13th in the UK as a retail centre and the sector accounts for 13 per cent of employment in the city.

The financial and insurance services and business services sector provides around one-quarter of the city's employment. The city has a developing cluster of digital creative companies, which has seen significant growth in recent years and will continue to be a fast growing area.

3.2. Tourism and culture

Norwich's culture is a fundamental part of its identity and an essential element of the city's national and international reputation. The city's cultural credentials are impressive – it has a vast array of unique heritage assets, five theatres, networks of artists and creative entrepreneurs and a wide-ranging programme of local, national and international events

The new five-year Norwich Business Improvement District (BID) for the city centre will go some way to promoting Norwich as a key visitor destination for cultural and leisure tourism. Tourism is identified by the New Anglia Local Enterprise Partnership (NALEP) as one of its nine key growth sectors. NALEP is developing a strong tourism strategy to engage a wide range of partners in activities to increase visitor numbers, length of stay and spend

Key elements about Norwich include

- Highest level of culture per capita in the UK. (Source: 2 - locallife.co.uk)

- Prime examples of architecture including Norwich 12, the UK's finest collection of heritage buildings in a medieval cityscape. (Source: 3 - Norwich Heart)
- Bid shortlisted for UK City of Culture 2013. (Source: 4 - UK City of Culture 2013)
- Major sporting facilities including football, athletics, Olympic swimming pool etc. (Source: 5 - City of Norwich Council)
- Three regional media businesses (BBC, Anglia and Archant). (Source: 5 - City of Norwich Council)
- High-profile arts calendar including the Norfolk and Norwich Festival, the largest festival in the country. (Source: 5 - City of Norwich Council)
- Writers' Centre Norwich delivering world-class literary events. (Source: 5 - City of Norwich Council)
- Norwich has been awarded UNESCO City of Literature status. The first city in England to achieve this. (Source: 5 - City of Norwich Council)
- Highly regarded arts institutions including Norwich Castle Museum and Art Gallery, Norwich University College of the Arts and the Sainsbury Centre for Visual Arts. (Source: 5 - City of Norwich Council)
- Five theatres, including the Theatre Royal – the most successful regional theatre in the UK. (Source: 5 - City of Norwich Council)
- 75 formal play areas and 17 all-weather games areas. (Source: 5 - City of Norwich Council)

4. Resident Population

4.1. Demographic Profile

The most recent census took place on 27th March 2011. The Office for National Statistics (ONS) carried out the Census and a follow-up coverage survey and produced initial results for population, households, household residents and short term residents, along with information on the quality of the response area by area.

The mid-2016 population estimates⁶ indicate that 139,900 people live in the city of Norwich, showing that Norwich continues to grow (1.5% annually). All demographic figures are from the Office of National Statistics ONS unless otherwise stated.

Population by broad age group

Norwich has a youthful demographic in comparison to Norfolk and the rest of the country, with 43 per cent of residents in the 15 to 39 age group, as opposed to 32 per cent nationally. This has an impact on a range of issues such as: working age population on benefits, young people not in employment, education, and training.

Table 3 Comparison of Population by Age Group						
			Norwich	Norfolk	East of England	England
Population			139900	891700	6129000	55268000
AGE GROUP in years	Male %	Female %	%	%	%	%
Age Group: 0-15			17.1	16.9	19.1	19.1

Age Group: 16-29			27.1	16.2	16.4	18
Age Group: 30-44			20.5	16.7	19.1	19.6
Age Group: 45-64			20.6	26.4	26	25.4
Age Group: 65+			14.7	23.9	19.3	17.9
Source: 6 - 2016 ONS Mid-term estimate – Norfolk Insight						

The population is spread broadly across the city area with a significant number of residents living in the central commercial area.

Ward Populations

Table 4

Norwich population by ward

Source: 6 - 2016 ONS Mid-term estimate – Norfolk Insight

Ward	2016 estimate
• Bowthorpe	12099
• Catton Grove	11140
• Crome	10046
• Eaton	9048
• Lakenham	9502
• Mancroft	10652
• Mile Cross	11302
• Nelson	9705
• Sewell	10093
• Thorpe Hamlet	12075
• Town Close	11270
• University	11725
• Wensum	12384
City of Norwich	139,900

4.2. Households and Housing

Table 5

Household composition in Norwich

Household composition, no. of households in Norwich	1991	2001	2011
One person: over 65	8,986*	8,668	7,669
One person: other	8328	11,589	15,351
Family all over 65	5,320*	4,614	3,631
Couple – no children		9,030	10,453
Couple – dependent children	8,918**	8,334	8,695
Lone parent – dependent children	2,567	3,649	4,419
Other households		4,628	6,063
Total households	52,733	54,578	60,319
Source: 7- Census 2011 ONS			
* 1991 data is men over 65 and women over 60			
** In 1991 this is a household of “2 adults with dependent children”			

Table 6**Households in Norwich by tenure**

Housing by tenure (%)	Norwich	Norfolk	East Anglia	England & Wales
Owner-occupied	44.5	68.6	68.3	64.3
Council rented	25.2	5.8	7.8	9.4
Social rented	7.4	8.7	7.9	8.2
Private rented	22.8	16.9	16.0	18.0
Source: 7- Census 2011 ONS				

Deprivation

According to the Index of Multiple Deprivation 2010, the Norwich local authority area is ranked within the 30 per cent most deprived districts in England on each district measure with the exception of the local concentration measure.

The level of multiple deprivation in the Norwich local authority area creates a complex set of problems which result in large numbers of people being excluded from, or on the margins of, economic activity. Problems of poverty, poor health and low levels of skill sit alongside and contribute to mental health problems, substance abuse and teenage pregnancy.

These problems result in poor prospects for children including low attainment and relatively high numbers of children leaving school and classed as Not in Employment, Education or Training (NEET), contributing to a cycle of deprivation which is difficult to break.

The extent of deprivation in relation to education, skills and training is particularly severe, affecting more than one-third of local residents.

It should be noted that despite the sustained period of economic growth that took place before the downturn, net wages and income have stagnated for a large proportion of the population while income inequalities have actually increased.

The Office of National Statistics report⁸ *Changes in real earnings in the UK and London, 2002 to 2012* suggests that real wages have not increased above the levels seen in 2004 and that average earnings have actually fallen in real terms since 2009. The report also notes "The decline in real wages has short-term implications for the economy and economic indicators. It is possible that it also marks a permanent change in long-term wage growth trends".

Around 30 per cent of children in Norwich are living in poverty, the same proportion as at the national level. The majority (59 per cent) of poor children live in a household where at least one adult works and 40 per cent of poor children live in a household headed by a lone parent. However, the majority of poor children (57 per cent) live in a household headed by a couple.

The level of child poverty by Norwich ward from 2009 to 2012, the proportion varies widely with 40 per cent of children in Mile Cross and 37 per cent in Wensum living in poverty compared to 9 per cent in Nelson and 10 per cent in Eaton

Levels of socio-economic deprivation are the third highest in the region and 70th (out of 326) in England (Source: 9 - Index of Multiple Deprivation 2010, Average of Scores)

- 88 per cent of school leavers staying on to further education, compared with 90 per cent across Norfolk (Source: 10 - Year 11 leavers activity data, Norfolk County Council, Norfolk Insight)
- 7.1 per cent of the working age population is claiming Incapacity Benefit or Severe Disablement Allowance (Source: 11 - May 2014, Department of Work and Pensions (DWP) and Norfolk Insight)
- 31.8 per cent of children in Norwich are affected by income deprivation which is the 30th highest percentage nationally. It is the highest percentage of any district council and the highest percentage in the eastern region (Source: 12 - Index of Multiple Deprivation 2010, IDACI)

4.3. Ethnicity and Diversity

England has become more ethnically diverse with rising numbers of people identifying with minority ethnic groups in 2011. Despite the White ethnic group decreasing in size, it is still the majority ethnic group that people identify with. The ethnic minority population of the City is shown in table 7 below

By better understanding the ethnic distribution we may be able to:

- Further understand reasons for take-up of services
- Increase the chance of finding “difficult to reach” target groups
- Target communications
- Identifying diverse needs
- Relate ethnicity to risks and outcomes
- Identifying language-specific medial channels

Table 7
Ethnicity Percentage of population
Source: 7- Census 2011 ONS

2011 National Census statistics	Norwich	England
Total White	90.8	86
White non-British	6.1	5.5
Total Black, Asian or minority ethnic group	9.2	14
Asian/Asian British	4.4	7.5
Black/African/Caribbean/Black British	1.6	3.3
Mixed heritage	2.3	2.2
Other ethnic group	0.8	1.0

4.4. Health and Wellbeing

- The health picture overall for Norwich is mixed, though average life expectancy is close to the national average for men and slightly above the national average for women. (Source: 13 - Health Profiles 2014, Public Health England)
- Men in the most deprived areas have an average life expectancy that is nine years shorter than in the least deprived areas. For women the difference is four years. (Source: 14 - LG Inform Plus/ Public Health England)
- Many key health measures are significantly worse in Norwich than in the rest of the county. (Source: 13 - Health Profiles 2014, Public Health England)

- Significant health issues with high levels of teenage pregnancy, mental health problems and drug and alcohol misuse. (Source: 13 - Health Profiles 2014, Public Health England)
- Low levels of malignant melanoma and diabetes. Fewer obese adults. (Source: 13 - Health Profiles 2014, Public Health England)
- Lower than average children's population, and higher proportions in the younger adult age ranges (16 to 24 and 25 to 39). (Source: 6 - 2013 mid-year population estimates, ONS)
- Lower than average road deaths and injuries. (Source: 13 - Health Profiles 2014, Public Health England)

4.5. Labour Market Profile

Most age groups in Norwich are more economically active than the national average. This is probably a reflection of the younger profile of residents in the city being of working age with proportionately fewer retired people. However, in general workers in Norwich earn less the national average as shown in table 9.

Table 8
Percentage of Norwich population economically inactive compared with that of the region and England as a whole June 2017

Year to June 2017	Norwich	East of England	England
Economically inactive - aged 16-64	21.1	19.8	21.7
Economically inactive - aged 16-24	31.4	34.5	38.7
Economically inactive - aged 50+	53.8	56.9	57.1
Economically inactive - aged 65+	86.4	88.4	89.4
Economically inactive - aged 16-64 - Male	23.8	14.5	16.3
Economically inactive - aged 16-64 - Female	18.5	25.0	27.1
Economically inactive - aged 16-64 - White	18.2	19.1	20.1
Source: 15 - NOMIS			

Table 9
Comparison of Earnings (2017) £

	Norwich	East of England	Great Britain
Gross Weekly Pay			
Full-Time Workers	494.9	574.9	552.7
Male Full-Time Workers	526.9	622.9	594.2
Female Full-Time Workers	451.0	502.1	494.4
Hourly Pay - Excluding Overtime			
Full-Time Workers	12.41	14.51	14.00
Male Full-Time Workers	13.36	15.24	14.56
Female Full-Time Workers	10.81	13.45	13.18
Source: 16 - ONS annual survey of hours and earnings - resident analysis			
Notes: Median earnings in pounds for employees living in the area			

Crime and Disorder

Norwich City Council works in partnership with Norfolk Police and other agencies to make Norwich a safe place. The City, as with Norfolk as a whole, is a relatively safe place to live, work or visit.

The Norfolk Safer Communities Partnership has driven a partnership approach to tackling crime and anti-social behaviour which has seen a number of multi-agency operations and visits across the City tackling issues ranging from environmental crime, neighbour nuisance to drugs. A very active Community Alcohol Partnership has also been set up within the City to tackle under-age drinking and street drinking. The Partnership includes statutory bodies, charities and the trade.

- Over the three years to 2014, overall crime reduced by 7.7 per cent (Source: 17 - Crime statistics, Norfolk Police)
- For the 12 months ending March 2014 there were 8,200 incidents of anti-social behaviour in Norwich, which was a year-on-year reduction of 7.5 per cent.
- All incidents of Crime and ASB in 2017 (per 1,000 population) **157.5**

Table 10
Snapshot of offences in Norwich -month of Feb 2018
(Source: 17 - Crime statistics, Norfolk Police)

Offence Group:			
Anti-social behaviour	309		
Criminal damage and arson	121		
Drug offences	41		
All other theft offences	101		
Bicycle theft	30		
burglary	73		
Other crime	19		
Possession of weapons offences	14		
Public order offences	103		
Robbery	7		
Violence and Sexual offences	421		
Shoplifting	164		
Theft from the person	17		
Vehicle crime	53		
Total	1473		

6. Gambling Context

The latest British Gambling Prevalence Survey ¹⁸ (BGPS) was undertaken in 2010, the third nationally representative survey of its kind; previous surveys in 2007 and 1999. The aims of the survey were to provide data on participation in all forms of gambling in Great Britain, the prevalence of problem gambling, attitudes to gambling and to explore a range of associations with gambling behaviour. The Key findings are summarised below:

Participation in Gambling Activities

- Overall, 73% of the adult population (aged 16 and over) participated in some form of gambling in the past year. This equates to around 35.5 million adults in the UK
- The most popular gambling activity was the National Lottery. In 2010, 59% of adults had bought tickets for the National Lottery Draw.
- Excluding those who had only gambled on the National Lottery Draw, 56% of adults participated in some other form of gambling in the past year. After the national lottery, the next most popular gambling activities are other lotteries (25%), scratch cards (24%), horserace betting (16%) and slot machines (13%).
- The survey has noted a significant increase in betting on other events such as horse and dog racing (increased from 3% in 1999 to 9% in 2010, scratch cards (up to 24% in 2010 from 20% in 2007) and a smaller increase in online poker/bingo/casino gambling from 3% in 2007 to 5% in 2010.
- In contrast, betting on football pools, slot machines and online bets has fallen slightly over the course of the survey.

Online and Offline Gambling

- Overall, 14% of adults had used the internet to gamble in the past year, including online lottery tickets, betting, casino games, bingo, online slot machines and football pools. Increases in online gambling activity have been greater in women than men.
- Among respondents who had gambled in the past year, 81% reported that they gambled 'in person' only, 17% had gambled both online and in-person and only 2% had gambled 'online only'.
- The survey suggests that most gambling activities still occur 'offline'; however casino games and betting on other sports events reported relatively high proportions of online activity – 39% and 27% respectively.

Profile of Participants in Gambling Activity

- Men were more likely than women to gamble overall (75% for men and 71% for women). Women however had higher incidence participating in bingo and scratch cards.
- Gambling participation is associated with age – participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.
- Gambling prevalence was highest among those who were; – Either married or had been married (75%) – White/white British (76%) – Those whose highest qualification was GCSE's or equivalent (76%) – Those in lower supervisory/technical households (79%) – Those in paid work (78%) – Those with the highest personal income
- 59% of people who participated in the National Lottery did so once a week or more often. Only football pools had a similar level of frequency (54% once a week or more often).
- There were five other activities which were undertaken at least once a month by half or more of all participants. These were bingo played in person (54%), casino games played on line (53%), spread betting (53%), fixed odd betting terminals (52%), and poker at a pub/club (50%).

- Taking participation in all gambling activities together, past year gamblers took part in gambling, on average, on 93.6 days per year. That is, they tended to gamble more than once a week, but not quite as often as twice a week.
- Those who gambled both online and in-person did so more than twice as often (163.3 days) as those who gambled 'online only' (61.5 days) or 'in person' only (79.5 days).
- Overall, 6% of regular gamblers were classified as high-time/high-spend gamblers.
- The profile for high-time gamblers consists disproportionately of those with poorer socio-economic indicators, with National Lottery and Bingo being the most popular activities.
- The profile for high-spend gamblers had a higher proportion of graduates, those in paid employment and a preference for betting on horse racing, slot machines and casino games.
- When asked how their gambling involvement had changed in the past year, 4% reported an increase, 13% a decrease and 82% no change.

Gambling and Debt

The first known UK research to focus exclusively on the relationship between problem gambling and over indebtedness, was jointly commissioned by GamCare and the Money Advice Trust from Manchester Metropolitan University, and published¹⁹ in autumn 2009. Key findings were;

- Debts of up to £60,000 might be common amongst problem gamblers.
- Understanding of problem gambling amongst money advice agencies and in the NHS is extremely low.
- Awareness of the help available to problem gamblers amongst these agencies and in the NHS, particularly GPs, is equally poor.
- There is an urgent need to improve education about gambling for young people, alongside or as part of work on financial literacy and understanding chance and risk.

7. Gambling Premises in City of Norwich

A summary of the premises in the City of Norwich which are licensed for gambling or hold permits for gambling activities is shown in table 11 below. The number of small societies registered by the city council to run small lotteries is also given in the table. It should be noted that certain gambling activities for small stakes are permitted by law in alcohol licensed premises without the need for specific gambling permissions to be obtained.

Table 11
Types and Numbers of Gambling Premises in the City of Norwich as at 1 April 2018

Source: 5 - City of Norwich Council

Premises type		Numbers
Bingo venues		2
Betting shops		28
Adult Gaming Centres		2
Family Entertainment Centres	licensed	1
	permitted	
Betting Tracks		Nil
Casinos		Nil
Alcohol licenced premises with gaming machines	Up to 2 in bar	193
	More than 2	15
Clubs with gaming permissions		
	Club machine permits	1
	Club gaming permits	Nil
<i>Small society lotteries (number registered)</i>		83

8. Potential Risks associated with Gambling Premises in the City of Norwich

The Licensing Authority expects all Operators to consider the external and internal risks posed by their premises when they develop their risk assessments. In order to assist Operators the Council has highlighted a number of issues which they expect to be addressed in such assessments – the list is not exhaustive merely illustrative.

- access to gambling establishments by vulnerable residents
- signage and communication issues both inside and outside gambling premises for residents and others where English is not their first language
- signage, demarcation and supervision of arcades and other premises patronised by children to ensure separation of family accessible machines and facilities from the adult only areas and machines.
- Child safeguarding in areas heavily patronised by children

9. Sex Establishments in the City of Norwich

A summary of the premises in the City of Norwich which are licensed as sex establishments is shown in table 12 below. It should be noted that under current legislation certain adult entertainment activities on an infrequent basis are permitted in alcohol licensed premises without the need for specific sex establishment permission to be obtained.

Table 12
Types and Numbers of Licensed Sex Establishments in the City of
Norwich as at 1 April 2018

Source: 5 - City of Norwich Council

Premises type	Numbers
Sex Shop	1
Sex Cinema	Nil
Sexual Entertainment Venue	3

The city council has defined the maximum number of licensed premises it considers appropriate and this is stated in its Statement of Policy on Sex Establishments.

10. City areas

The city can be spilt into a number of distinct areas either based on electoral wards or by land usage.

Wards

The city is currently split into 13 electoral wards for administrative purposes. Population and other census data is generally collected and available at ward level. Ward boundaries are likely to change in future following recommendations of the Boundary Commission. The current wards are shown in Figure 2 below. Detailed profiles of each of the city wards is given in Appendix B

Figure 2
Map showing the Wards in the City of Norwich (as at September 2018)

- Bowthorpe
- Catton Grove
- Crome
- Eaton
- Lakenham
- Mancroft
- Mile Cross
- Nelson
- Sewell
- Thorpe Hamlet
- Town Close
- University
- Wensum



Norwich city centre

For planning and other purposes the City Council has defined a number of localities within this area. This area includes the central business district which is partly in Mancroft ward and partly in Thorpe Hamlet ward.

Within the city centre a number of defined localities have been designated by the City Council in respect of specific policies. These are:

The City Centre Leisure Area (CCLA) - which contains the majority of the key shopping; restaurants; bars; theatres; cinemas and other attractions. See Figure 3 below.

The Late Night Activity Zone, (LNAZ) - this is a sub area of the CCLA - where the key bars, clubs and other premises associated with the late night economy are situated. The zone is in 2 parts – one around Prince-of-Wales Road the other around Riverside. See Figure 4 below.

Cumulative Impact Policy Area (defined under Licensing Act 2003) principally around the Prince of Wales Road area

Figure 3

Map showing the City Centre Leisure Area

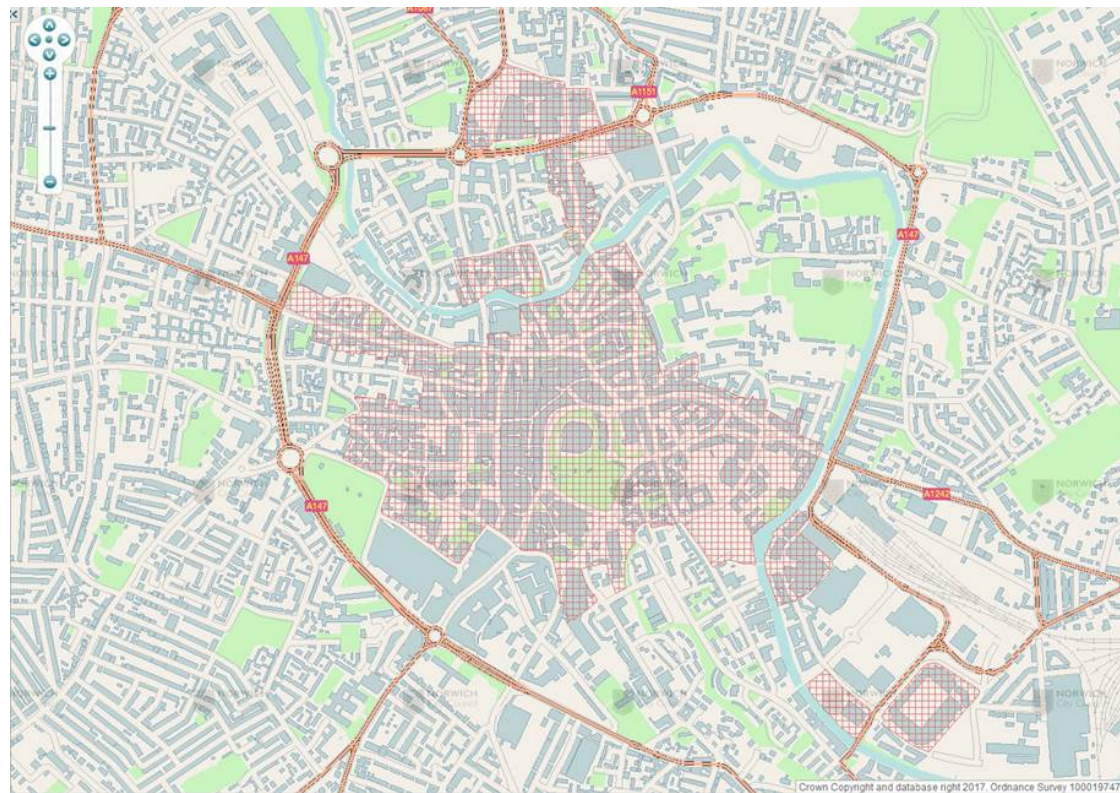
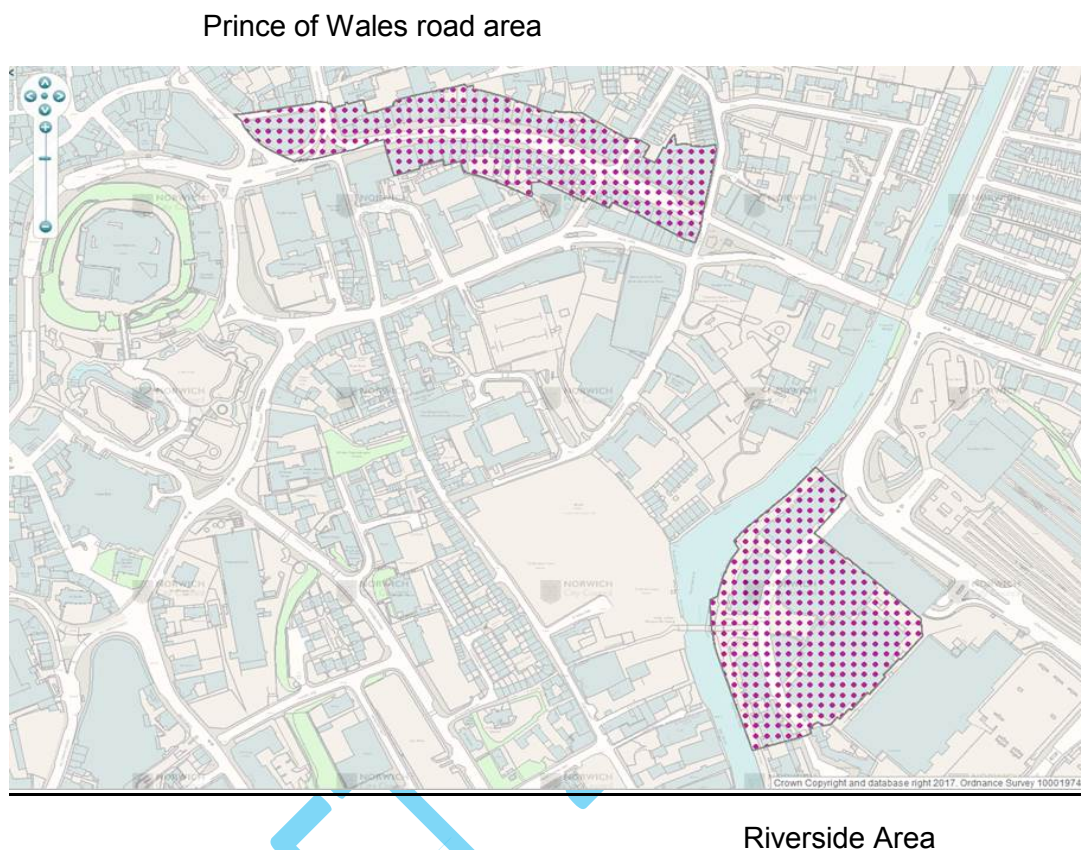


Figure 4

Map showing the Late Night Activity Zone



Other areas of the City of Norwich

The areas outside the city centre area are principally the residential and industrial areas of the city within the city boundary but which also include a number of sizeable retail parks. Most of the local educational establishments (college and schools) are in these parts.

Management of Norwich's night-time economy

The city council has been working with the police and other organisations to help tackle any negative effects of the night-time economy on residents, businesses and visitors within the city centre.

As a result of this joint-working a number of measures have been put in place. They include the following:

- New access restrictions on residential side roads between 11pm and 6am daily (Cathedral Street, St Faiths Lane and Recorder Road) to reduce noise to local residents.
- Signage on residential roads reminding people to respect local residents at night.

- New CCTV cameras on Cathedral Street and Bank Plain/Queen Street.
- Improved policing of the night time economy areas (Prince of Wales Road area).

Along with this, and after consultation on the matter, the city council adopted a Cumulative Impact Policy (CIP) under the Licensing Act 2003 on 1 August 2015 around the Prince of Wales Road area.

The policy relates to premises applying for a licence, or a licence variation, to sell alcohol or late night refreshments between 9pm and 6am.

Since the introduction of the CIP, it has become the responsibility of any business applying for a new license, or looking to change an existing license within the designated area, to demonstrate that their business will not contribute to the anti-social behaviour before their application can be approved.

The City Council will expect similar considerations to be taken by applicants for gambling licences, permits and sex establishment licences in the defined area if they wish to trade during the late evening and night time period.

DRAFT 22.2.2019

References, Bibliography and other data sources

References

1. Inter Departmental Business Register, The Office of National Statistics
2. locallife.co.uk
3. Norwich HEART - Heritage Economic and Regeneration Trust
4. UK City of Culture 2013
5. Norwich City Council
6. 2016 ONS Mid-term estimate – Norfolk Insight
7. Census 2011, The Office of National Statistics
8. *Changes in real earnings in the UK and London, 2002 to 2012*, The Office of National Statistics
9. Index of Multiple Deprivation 2010, Average of Scores
10. Year 11 leavers activity data, Norfolk County Council, Norfolk Insight
11. Department of Work and Pensions (DWP) and Norfolk Insight, May 2014,
12. Index of Multiple Deprivation 2010, IDACI
13. Health Profiles 2014, Public Health England
14. LG Inform Plus/ Public Health England
15. NOMIS
16. ONS annual survey of hours and earnings - resident analysis, The Office of National Statistics
17. Crime statistics, Norfolk Police
18. [British Gambling Prevalence Survey \(BGPS\)](#), National Centre for Social Research, 2011
19. [Gambling and Debt Pathfinder Study](#), Carolyn Downs and Ryan Woolrych, Manchester Metropolitan University, October 2009

Bibliography

- Economic Strategy Published by Norwich City Council, March 2014
https://www.norwich.gov.uk/downloads/file/2538/norwich_economic_strategypdf
- How to find up to date information about Norwich Census information is available via
<http://www.neighbourhood.statistics.gov.uk>.
- Norfolk Insight has an area facility that draws together information from Norwich & Waveney/ Norfolk PCT, the police and other official sources. This provides an in depth and detailed statistical overview for wards and parishes throughout the City and across Norfolk. This can be accessed at <http://norfolkinsight.org.uk>
<http://www.norfolkdata.net/>
- A health profile for Norwich is produced annually by the Association of Public Health Observatories. The profile provides information about health inequalities, deprivation, obesity, smoking and other health related topics. This information relates to Norwich rather than wards, although area profiles provided by Norfolk Insight enable analysis by middle and lower layer super output areas within the City. The health profile can be accessed via <http://www.apho.org.uk>.

- NOMIS is a web-based database of labour market statistics operated by the University of Durham on behalf of the Office for National Statistics. It provides official labour market statistics such as unemployment rates, claimant count, jobs vacancies and other claimant information from the Department for Work and Pensions. This can be accessed via the link <http://www.nomisweb.co.uk>.
- A government data website provides local and national data across many subjects through a postcode search. This is located at <http://data.gov.uk>
- Norfolk County Council website provides immediate geographic information according to postcodes and other local information. This is located at <http://www.norfolk.gov.uk>.
- Schools in Norfolk, Norfolk County Council
<http://schools.norfolk.gov.uk/go/schoolfinder>

Disclaimer: All information is correct at time of publication and originates from official sources. The Norwich City Council is not responsible for the content of external websites



NORWICH
City Council

Gambling Act 2005

**Statement of Principles
(Gambling Policy)**

2019

Approved by Norwich City Council ?????

To be published by ?? 2019

Coming into force on ?? 2019.

Contents

Part A - General		
1.	The licensing objectives	4
2.	Introduction	5
3.	Declaration	10
4.	Responsible Authorities	10
5.	Interested Parties	11
6.	Information Exchange	14
7.	Enforcement	15
8.	Licensing Authority functions	17
Part B - Premises Licences		
9.	General Principles	21
10.	Adult Gaming Centres	31
11.	(Licensed) Family Entertainment Centres	32
12.	Casinos	33
13.	Bingo	34
14.	Betting premises	36
15.	Tracks	38
16.	Travelling fairs	41
17.	Provisional Statements	42
18.	Reviews	43
Part C - Permits/Temporary and Occasional Use Notices		
19.	Unlicensed Family Entertainment Centre gaming machine permits	44
20.	(Alcohol) Licensed premises gaming machine permits	47
21.	Prize Gaming Permits	48
22.	Club Gaming and Club Machines Permits	50

.....

23.	Temporary Use Notices	51
24.	Occasional Use Notices	53
25.	Lotteries	53
Part D - Exempt Gaming		
6.		56
Part E - Committee, Officer Delegation and Contacts		
7.	Committee decisions and scheme of delegation	57
8.	Contacts	58
Appendices		
	Appendix 1 Responsible Authority Contact Details	59
	Appendix 2 Table of Delegations	61
	Appendix 3 Summary of Gambling Entitlements	63

All references to the Commission's Guidance for local authorities refer to the guidance published in *Guidance to Licensing Authorities 5th edition September 2015 with Parts 17, 18 & 19 updated September 2016*. This is accessible via the Commission's website.

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

Part A - General

1. The Gambling Licensing Objectives

1.1 In exercising most of its functions under the Gambling Act, 2005 (“the Act”), Licensing Authorities must have regard to the licensing objectives set out in section 1 of the Act. The three licensing objectives are:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- **Ensuring that gambling is carried out in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

It is noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

The City Council as Licensing Authority takes these objectives seriously and is committed to protecting all vulnerable people of whatever age from being harmed or exploited by gambling.

1.2 This Licensing Authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Commission
- in accordance with any relevant guidance issued by the Commission
- reasonably consistent with the licensing objectives and
- in accordance with the Authority’s statement of licensing policy

- 1.3 In matters of regulation under the Gambling Act 2005 (the "Act") Norwich City Council as Licensing Authority recognises it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. The Authority also recognises that under the Code it should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates.

2. Introduction

- 2.1 Licensing authorities are required by the Act to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.
- 2.2 Norwich City Council as Licensing Authority (referred to in this document as “This Licensing Authority”) published its first Statement of Principles (generally referred to as the Councils Gambling Policy) in December 2006 following statutory consultation. The Gambling Policy has been published every three years since.
- 2.3 In preparing this (2019) version of the Statement of Principles (Gambling Policy) – this Licensing Authority has undertaken a significant revision and amendment to take account of various issues. In recent particular recent changes brought about by the Commission, changes to the law and updated current practices.
- 2.4 The Gambling Commission (“the Commission”) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- The risk assessment will be premises specific and highlight factors relevant and related to the local area (ward) in which the premises are situated or proposed.

- 2.5 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Norfolk authorities have been doing for a number of years. We have found that a risk-based approach to regulation enables the authority to prioritise resources where they are most needed and can be most effective.
- 2.6 The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.
- 2.7 This licensing authority is working with other licensing authorities across Norfolk to develop guidance to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance (to be published as a separate document) will provide a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the Council as Licensing Authority under the Act, as well as responsible authorities and interested parties when considering new and variation applications. The local risk assessments will also enable this licensing authority to establish a more progressive compliance inspection regime.
- 2.8 Gambling operators are required to undertake a risk assessment for all of their existing premises in April 2016. Following that date

operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with this licensing authority's views on what would instigate either a new assessment or the review of an existing one will be detailed within the guidance document.

- 2.9 This licensing authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. This authority will assist operators in this process by providing specific information on its concerns surrounding gambling within the City and the impact that premises can have on the licensing objectives. This will be contained within the Statement of Licensing Principles (Gambling Policy) as detailed below.
- 2.10 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

Consultation process on the Statement of Principles (Gambling Policy)

- 2.11 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One of more persons who appear to the authority to represent the interests of persons who are likely to be affected by the

exercise of the authority's functions under the Gambling Act 2005.

2.12 Before finalising and publishing **its original** statement Norwich City Council has consulted with the persons contained in the list below.

- Norfolk Constabulary;
- Existing permit/licence holders
- Trade Organisations
- Gamblers Anon
- GamCare
- Associated addiction/welfare bodies
- Citizens Advice Bureau
- Residents Groups
- Norfolk County Council
- Church Organisations
- Local Planning Authority
- Environmental Health
- Norwich Primary Care Trust
- Relevant Residents Associations
- Relevant Trades Unions

2.13 **Further consultation with these bodies has been undertaken on this updated 2019 version of the statement of principles (Gambling Policy) prior to an updated statement being adopted.**

2.14 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application or apply for the review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Local Area profile

2.15 A detailed local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the licensing authority and its partners. It is anticipated that the local area profile will give operators a better awareness of the local area and the risks, which includes both potential and actual risks. The local area profile document can be accessed via the council's website.

2.16 In summary the area is as follows:

Norwich City Council is situated in the County of Norfolk, which contains 7 District Councils in total. The City Council area has a population of 141,000 (2016 midyear estimate) making it the third largest in the County in terms of population. In terms of area it is the smallest, covering 15 square miles. The Council area is entirely urban. This is shown in the map attached.

Figure 1 Map of Norwich City Council area showing the city centre and key suburbs



3. Declaration

- 3.1 In producing this **Statement of Principles (Gambling Policy)** this Licensing Authority declares that it has had regard to
- the licensing objectives of the Gambling Act 2005,
 - the guidance issued by the Commission to licensing authorities (5th edition September 2015 with Parts 17, 18 & 19 updated September 2016) referred to in this document as “Commission’s Guidance” and
 - any responses from those consulted on the Statement of Principles (Gambling Policy).

4. Responsible Authorities

- 4.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are
- The need for the body to be responsible for an area covering the whole of the Licensing Authority’s area
 - The need for the body to be answerable to democratically elected persons rather than any particular vested interest group.

In accordance with the Commission’s Guidance, this Authority designates the Norfolk Safeguarding Children’s Board for this purpose.

- 4.2 The contact details of all the Responsible Authorities under the Act for this licensing authority area are attached at Appendix 1

5. Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as persons who:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) have business interests that might be affected by the authorised activities, or
- c) represent persons who satisfy paragraph (a) or (b)

5.2 This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- This authority will not apply a rigid rule in making its decision; however, it will consider the examples provided in part 8 of the Commission's Guidance. (reproduced in figure 2 below) The authority will also consider the Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Figure 2 Examples contained in part 8 of the
Commission Guidance on determining whether
someone is an interested party.

People living close to the premises

8.12 There are a number of factors that licensing authorities should take into account when determining whether a person 'lives sufficiently close to the premises'. These might include:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

8.13 Relevant factors will depend on the particular application. For example, it is reasonable for a licensing authority to consider that living sufficiently close to premises to likely be affected could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

The nature and scope of business interests that could be affected

8.14 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain.

But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be

affected by the premises' under consideration.

For example, an operator in a particular sector be it casino, bingo, betting etc, should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. Specifically, licensing authorities are reminded that the 'demand test' from previous gambling legislation does not apply under the Act.

8.15 The licensing authority should be satisfied that the relevant business is likely to be affected. Factors that are likely to be relevant include:

- the size of the premises
- the 'catchment' area of the premises, that is, how far people travel to visit the premises
- whether the person making the representation has business interests in that catchment area that might be affected.
- People representing those in the above categories

8.16 Interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

8.17 Save for democratically elected persons, licensing authorities should satisfy themselves on a case by case basis that a person does represent interested parties, and request written evidence where necessary. A letter from the interested person(s) they are representing would be sufficient.

- 5.3 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Other than these however, the Authority will generally require written evidence that a person/body (for example an advocate or relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.4 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Authority's licensing team (contact details, [page 58](#)).

6. Information exchange

- 6.1 In fulfilling its functions and obligations under section 29 (Licensing Authorities providing information to the Commission), section 30 (the provision of information by the Commission) and section 350 (exchange of information may be subject to conditions) of the Act the Licensing Authority may exchange relevant information with other regulatory bodies. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.
- 6.2 The Licensing Authority will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

6.3 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

6.4 In seeking to achieve its aim to safeguard all vulnerable persons of whatever age, the City Council as Licensing Authority will work with the Norfolk Safeguarding Adults Board and seek input where appropriate from Norfolk County Council Adult services and the Norfolk and Suffolk NHS Foundation Trust in respect of mental health services. Such agencies are not responsible authorities as defined in the Act, but this Licensing Authority will consider valid representations from such agencies if they are made as Interested parties representing local residents or businesses.

7. Enforcement

7.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 This Licensing Authority's **principles** are that it will be guided by the Commission's Guidance and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;

- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

7.3 In accordance with the Commission's Guidance this Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

7.4 This Licensing Authority's main enforcement and compliance role in terms of the Act will be to ensure compliance with the premises licences and other permissions that it authorises. The Commission is the enforcement body for Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but should be notified to the Commission.

7.5 The Councils enforcement policy will be followed in respect of any compliance monitoring and enforcement action taken in concerning gambling activities under the licensing authority's enforcement jurisdiction. This is accessible via the council's website.

7.6 Enforcement inspections- This licensing authority has adopted and implemented a risk-based enforcement approach to inspections, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

7.7 As well as sanctions available under the Act this licensing authority will seek to use all appropriate powers available to it.

- 7.8 Where there is a Primary Authority scheme in place, this licensing authority will seek guidance from the Primary Authority before taking any enforcement action. The current Primary Authorities are detailed on the Gambling Commission website as per the following link

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-toolkit.aspx>

- 7.9 This licensing authority will work together the Commission to identify and investigate organised or persistent illegal activity.

- 7.10 Fees for certain gambling permits and licensing transactions are set nationally by statute. They include

- Unlicensed Family Entertainment Centre Gaming Machine Permits
- Registration of Small Society Lottery (including an annual maintenance fee)
- Club Gaming Permits
- Club Gaming Machine Permits
- Alcohol Licensed Premises Gaming Machine Permits
- Prize Gaming Permit

However, fees for licences issued under the Act by this licensing authority are set by this licensing authority in accordance with statutory provisions. This licensing authority has sought to set fees at a level to cover the costs of undertaking the administration of the gambling licensing function. Fees are approved each year by the Full Council and are published on the Councils website

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that this Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Commission via operating licences.

DRAFT 26.4.2019

Part B - Premises Licences

9. General Principles

9.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

9.2 In accordance with Section 153 of the Act, this Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Principles (Gambling Policy).

9.3 It is appreciated that as per the Commission's Guidance "moral and ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.¹

9.4 **Appropriate Licensing Environment** - This licensing authority also notes Commission guidance on this subject (previously known as

¹ UNMET DEMAND - The Licensing Authority should not consider whether there are enough gambling outlets within a given area to fulfil customer's needs, wants and expectations.

primary gambling activity). It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

9.5 This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

9.3 **Definition of 'premises'** - Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether

different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

- 9.4 This Licensing Authority takes particular note of the Commission Guidance which states that Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 9.5 The Licensing Authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Specific issues for consideration would be whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. Additionally, an overriding consideration would be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that would otherwise be prohibited under the Act.
- 9.6 The Authority appreciates, it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished. (As an alternative to the applicant making an application for a provisional statement.) In such cases the Authority will require sufficient detail to be submitted with the application to enable an application to be properly considered and determined.

9.7 **Location** - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Commission Guidance, this Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon in respect of areas where gambling premises should not be located, this statement will be updated to reflect that. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus on the applicant to show how potential concerns can be overcome

9.8 When determining an application to grant a Premises Licence or review a Premises Licence, careful consideration will be taken regarding the proximity of the premises to:

- a) schools, and other educational establishments
- b) vulnerable adult centres
- c) residential areas where there may be a high concentration of families with children
- d) premises licensed under the Licensing Act 2003
- e) premises licensed under the Local Government (Miscellaneous Provisions) Act 1976
- f)

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant

can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

- 9.9 ***Duplication with other regulatory regimes*** - This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems wherever possible. This Authority will not consider whether a licence application is likely to obtain planning or building regulation consent, in its consideration of it. It will however listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 9.10 ***Licensing objectives*** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Commission's Guidance and some comments are made below.
- A. **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Commission will be taking a leading role in preventing gambling from being a source of crime. The Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors or CCTV. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

B. Ensuring that gambling is conducted in a fair and open way –

This Licensing Authority has noted that the Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).

Both of these options fall under the remit of the Commission.

However, in relation to the licensing of tracks this Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. Tracks are defined in section 353 of the Act to mean horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place. In these circumstances, the Premises Licence may need to contain certain conditions to ensure that the environment in which betting takes place is suitable and that betting areas are properly administered (see **Tracks** – Page 31).

C. Protecting children and other vulnerable persons from being harmed or exploited by gambling –

This Licensing Authority has noted the Commission's Guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

As stated previously, this Licensing Authority when considering this objective, will seek to protect all vulnerable persons whatever their age and take into account advertising accordingly.

This Licensing Authority will therefore consider, as suggested in the Commission Guidance, whether specific measures are required at a particular premises, with regard to his licensing objective. Appropriate

measures may include such matters as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises.

The Licensing Authority will also make itself aware of any Codes of Practice issued by the Commission concerning this licensing objective in relation to specific premises, such as casinos.

Regarding the term “vulnerable persons” it is noted that the Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis.

9.11 **Conditions** - Any conditions attached to licences will be proportionate and will be

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

9.12 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived

need, such as the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult only areas. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

9.13 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's Guidance.

9.14 This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.16 This Licensing Authority is aware that tracks may be subject to one, or more than one, Premises Licence, provided each licence relates to a specified area of the track. In accordance with the Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.17 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences. These are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition (Operating Licences are issued by the Gambling Commission);
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

9.18 **Door Supervisors** - The Commission advises in its Guidance that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

9.19 Where it is decided that supervision of entrances and/or machines is appropriate for particular cases a consideration of whether these need to be SIA licensed or not will be necessary. It will not be

automatically assumed that they need to be. licensed as the statutory requirements for different types of premises vary (as per the Guidance)

It should be noted that there is a specific exemption from SIA registration for those persons directly employed by the operator of a bingo club or casino. Therefore, only third party contract staff are required to be SIA registered for such premises

DRAFT 26.4.2019

10. Adult Gaming Centres

- 10.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not participate in adult-only gaming activities at the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11. (Licensed) Family Entertainment Centres

- 11.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 11.2 This Licensing Authority will refer to the Commission's website to view any conditions that apply to Operator Licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any

mandatory or default conditions on these Premises Licences, when they have been published.

12. Casinos

- 12.1 There are currently no casino premises in Norwich
- 12.2 On the 15th March 2006 the Council's Executive considered whether to submit a proposal to the Casino Advisory Panel to be permitted to have a large or small a casino in Norwich. Members resolved not to submit a proposal.
- 12.3 **No casinos resolution** – This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

If a casino licence were to be granted, this Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

13. Bingo premises

13.1 This Licensing Authority notes that the Commission's Guidance states

“ 18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.”

13.2 This authority also notes that from 13 July 2011 a holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. A licence variation must be applied for if operators wish to take advantage of the change to the legislation.

13.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that *‘licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises’ in order to prevent underage gambling*”. In considering applications for bingo premises licences this authority will take account of these points.

13.4 **Bingo in clubs and alcohol licensed premises** - Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in

clubs and miners welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains low stakes and prizes activity. Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained from the Commission for future bingo games. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

The threshold is that if bingo played during any seven-day period exceeds £2,000 (either money taken or prizes awarded), all further games of bingo played on those premises in the next 12 months will require an operating licence to be legal. The Commission has developed a statutory code of practice (The Code of Practice for gaming in clubs and premises with an alcohol licence) which is available on its website.

13.5 This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14. Betting premises

- 14.1 The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. Section 13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

- 14.2 Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in Part 7 of the Commission Guidance.

A betting operating licence authorises the holder to 'provide facilities for betting' and a betting premises licence authorises premises to be used for the 'provision of facilities for betting'. Thus, the primary gambling activity of the premises should be betting with gaming machines as an ancillary offer on the premises.

- 14.3 Gaming machines** - Section 172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines. (Appendix 3 below summarises current machine entitlements)

14.4 Self Service Betting Terminals (SSBTs) - Section 235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and / or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

This Licensing Authority notes it is the Commission's view that the use of SSBTs is a form of remote communication and that a remote licence will be required if SSBTs are used to facilitate the making or accepting of bets by others.

This authority also notes that section 181 of the Act contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence (or to a casino premises licence where betting is permitted in the casino).

14.5 This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV

- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15. Tracks

- 15.1 This Licensing Authority is aware that tracks (as defined in section 353 of the Act) may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 15.2 This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15.3 **Gaming machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, the machines (other than category D machines) should be located in areas from which children are excluded

15.4 **Betting machines** - This Licensing Authority will, in accordance with the Commission's Guidance, take into account the size of the premises, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15.5 **Condition on rules being displayed** - The Commission has advised in its Guidance that:

“...Licensing Authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

- 15.5 **Applications and plans** - The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

This Licensing authority will need to satisfy themselves that the plan submitted provides sufficient information to enable them to assess the application.

16. Travelling Fairs

- 16.1 Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates. Current stakes and prizes can be found in the Commission guidance.

Higher stake category B and C fruit machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

This Licensing Authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

- 16.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

- 16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

17.1 Section 204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.2 Once the premises are constructed, altered or acquired the holder of a provisional statement can apply to the Licensing Authority for the necessary Premises Licence. Section 205 of the Act sets out how the Authority should consider this application.

17.3 However, as stated at paragraph 9.6 the Authority recognises it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished. A Provisional Statement may be applied for if the applicant cannot provide adequate information for a full Licence application to be considered and determined.

17.4 In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or

- (b) which is in the authority's opinion reflect a change in the operator's circumstances.

17.5 The authority has noted the Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

18. Reviews

18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the Licensing Authority to consider whether to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

18.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Part C: Permits/Temporary & Occasional Use Notice

19. Unlicensed Family Entertainment Centre (FEC) gaming machine permits

(Statement of Principles on Permits – Gambling Act 2005 Schedule 10 paragraph 7)

19.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

19.2 The Act states that a Licensing Authority may prepare a statement of principles that it proposes to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's Guidance also states:

“In its policy statement, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.”

19.3 This authority notes that the Commission Guidance also states:

.....

“...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.”

19.4 It is noted that this licensing authority cannot attach conditions to this type of permit.

19.5 **Statement of Principles** - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, in accordance with the Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

19.6 This Licensing Authority will require the following to be submitted in addition to the application form and fee:

- (1) Proof of the applicant's identity and age;
- (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
- (3) (Where the applicant is an individual) a 'basic' Criminal Records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Holders of operating licences issued by the Commission are exempt from this requirement.
- (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- (5) A plan scale 1:100 of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed or temporary structures.
 - c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - f. The location of any ATM or other cash/change machines.
 - g. The proposed location of the Category 'D' machines.
 - h. Details of non-category 'D' machines (e.g. skill with prizes machines).

20. (Alcohol) Licensed Premises Gaming Machine Permits - (Gambling Act 2005 Schedule 13 paragraph 4(1))

20.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. This licensing authority is aware it can remove the automatic authorisation in respect of any particular premises if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

20.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Commission under Section 25 of the Act, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures

to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 20.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 20.4 This licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to a permit.
- 20.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

21. Prize Gaming Permits - (Statement of Principles on Permits – Gambling Act 2005 Schedule 14 paragraph 8 (3))

- 21.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

21.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law.
- clear policies that outline the steps to be taken to protect children from harm.

21.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Commission Guidance.

21.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

22. Club Gaming and Club Machines Permits

- 22.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations.

Members clubs and miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). N.B. Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

- 22.2 This Licensing Authority notes that the Commission's Guidance states:

"25.44 The Local Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit." In doing so it will take into account a number of matters as outlined in the Commission Guidance. These include the constitution of the club, the frequency of gaming and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

- 22.3 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) (i) for a club gaming permit the applicant is not a members' or miners' welfare institute

- (II) for a club machine permit the applicant is not a members' or miners' welfare institute or commercial club
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

22.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Commission's Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

22.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

23. Temporary Use Notices

23.1 Temporary use notices (TUNs) allow the use of premises for gambling where there is no premises licence but where a gambling operator

wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN, according the Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a TUN to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

- 23.2 The Secretary of State has the power to determine what form of gambling can be authorised by TUN, and the relevant regulations - The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 - state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 23.3 There are a number of statutory limits as regards TUNs. Commission Guidance is noted that "the meaning of 'premises' in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 23.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission's Guidance.

24. Occasional Use Notices

- 24.1 Section 39 of the Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an occasional use notice (OUN) without the need for a full premises licence.

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

25. Small Society Lotteries

- 25.1 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact the Licensing Authority for further advice.

- 25.2 This Licensing Authority will register and administer smaller (non-commercial) society lotteries and applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located.
- 25.3 The society in question must be 'non-commercial' and the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries

in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

- 25.4 For initial applications and where there is a change of promoter, this licensing authority reserves the right to require the promoter of the lottery to produce a 'basic' criminal records disclosure. For new applications, the licensing authority shall require the promoter of the lottery to produce a 'basic' Criminal Records disclosure dated no earlier than one calendar month on the day the application is received by the Authority.
- 25.5 This Licensing Authority may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society;
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
 - Information provided in or with the application for registration is false or misleading.
- 25.6 Where this Licensing Authority intends to refuse registration by a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Authority will make clear its procedures on how it handles representations.
- 25.7 This Licensing Authority may revoke the registered status of a lottery if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

25.8 This Licensing Authority will adopt a risk based approach towards enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

DRAFT 26.4.2019

Part D - Exempt Gaming

- 26.1 Exempt gaming is equal chance gaming generally permissible in any club or alcohol-licensed premises. Gaming should be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 26.2 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 26.3 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different, higher stakes and prizes are allowed for exempt gaming in clubs than in alcohol-licensed premises. Current limits are summarised in appendix 3 below.

Part E - Committee, Officer Delegation and Contacts

27 Committee decisions and scheme of delegation

- 27.1 This Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 27.2 Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where relevant representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.
- 27.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
- 27.4 The Authority's authorised Licensing Officers will deal with all other licensing applications where either no relevant representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 27.5 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by the Authority's authorised Licensing Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected,

the person making that representation will be given written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

27.6 The table shown at Appendix 2 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers. (It is derived from the details specified in section 154 of the Act and the Norwich City Council Constitution)

27.7 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

28. Contacts

28.1 Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

The Licensing Team Norwich City Council City Hall, St Peter's Street, Norwich NR2 1NH	Phone: 01603 212761 / 212760. Email: licensing@norwich.gov.uk Website: www.norwich.gov.uk/info/20014/licensing
---	---

Information is also available from:-

The Gambling Commission 4th floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP	Phone: 0121 230 6666 Fax: 0121 230 6720 Email: info@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk
---	--

:

Appendix 1

Responsible Authority Contact Details

The Gambling Commission

4th floor Victoria Square House
Victoria Square
Birmingham B2 4BP

Phone: 0121 230 6666

Email: info@gamblingcommission.gov.uk

<http://www.gamblingcommission.gov.uk>

The Chief Officer of Police

Chief Constable
C/O Licensing Section
Central Area Headquarters
Norfolk Constabulary
Norwich Police Station
Bethel Street
Norwich NR2 1NN

The Fire Authority

Fire Safety Department
Norfolk Fire Service
Norwich Fire Station
Bethel Street
Norwich NR2 1NW

Phone: 01603 621461

f: 01603 229034

Health and Safety

Health and Safety Team
Norwich City Council
City Hall
St Peter's Street
Norwich NR2 1NH

Phone: 01603 212321

HM Revenue and Customs

National Registration Unit Betting & Gaming
Portcullis House
21 India Street
Glasgow
G2 4PZ

Phone: 03000 516023

Email: NRUBetting&Gaming@HMRC.gsi.gov.uk

Planning Authority

Head of Planning
Norwich City Council
City Hall
St Peter's Street
Norwich NR2 1NH

Phone: 01603 212530

Child Protection

Norfolk Safeguarding Children Board,
Room 60 Lower Ground Floor
County Hall
Martineau Lane
Norwich NR1 2UG

Phone: 01603 223409

<http://www.nscb.norfolk.gov.uk/Contacts.asp>

Appendix 2

Table of delegations

Matter to be dealt with	Full Council	Committee or Sub-committee	Officers
Final approval of three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee setting (when appropriate)		As appropriate	All cases
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission

.....

Matter to be dealt with	Full Council	Sub-committee	Officers
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		All cases	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Appendix 3

Summary of Gambling Entitlements (as at 1.4.2018)

Summary of machine provisions by premises

Premises type	Machine category
Pre-2005 Act casino	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)
Bingo premises ¹	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 No limit on category C or D machines
Adult gaming centre ²	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 No limit on category C or D machines
Licensed family entertainment centre ³	No limit on category C or D machines
Family entertainment centre (with permit) ³	No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴	Maximum of 3 machines in categories B3A or B4 to D
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)	Number of category C-D machines as specified on permit
Travelling fair	No limit on category D machines

¹ **Bingo premises licence** are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. [The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009]. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² **Adult gaming centres** are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

³ Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

⁴ **Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit**, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

⁵ **Commercial clubs with club machine or gaming permits** are entitled to a total of three machines in categories B4 to D.

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

Stakes and prizes for gaming machines are likely to change from time to time. For up to date details consult the Gambling Commission website:

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

Summary of gaming entitlements for clubs and alcohol licensed premises

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £100 / premises per day Other gaming £5 / person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 / game Other gaming No limit	Poker £250 / game Other gaming No limit	Poker £100 / game Other gaming No limit
Max participation fees – per person per day	Bridge /whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge/ Whist* £18 Other gaming £3 commercial club £1 members' club	Bridge/ Whist* £18 Other gaming £1	None permitted

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Bankers/unequal chance gaming	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo **	Maximum of £2,000 / week in stakes or prizes.	No bingo permitted	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.

* On a day when no other facilities for gaming are provided.

** If more than the maximum, then an operating licence will be required.

Report to Licensing committee
6 June 2019
Report of Public Protection Manager
Subject Sex Establishment Policy

Item
8

Purpose

To consider the responses received from the statutory consultation process following a draft revised Statement of Licensing Policy for Sex Establishments, under the Local Government (Miscellaneous Provisions) Act 1982.

Recommendation

That following consideration of the responses received in the public consultation, members resolve to:-

- (1) determine any necessary amendments to the draft policy; and
- (2) recommend Council to adopt the revised draft Statement of Licensing Policy for Sex Establishments.

Corporate and service priorities

The report helps to meet the corporate priority of great neighbourhoods, housing and environment through the administration of the licensing function.

Financial implications

Publication of policy to be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Maguire – Safe and sustainable city environment

Contact officers

Tony Shearman, Environmental protection, licensing and markets manager 01603 212278

Background documents

None

Background

1. At the meeting of the committee on 18 December 2019, members considered whether to consult on a draft revised policy in respect of sex establishments. It was resolved to authorise the head of citywide services to consult on the draft revised policy.
2. A copy of the draft policy is attached at Appendix A.

Consultation

3. A wide range of authorities, businesses, community groups and individuals were advised of the consultation on the draft document, which was made available online for the 8 weeks preceding the 13th March 2019.
4. Consultations were gathered via an online survey, which contained specific questions regarding the proposed limits on numbers of sex establishments, set out in section 4 of the draft policy. In total there were 26 responses received, however 2 of respondents submitted 2 entries.
5. A report detailing the full anonymised responses to the consultation is attached at Appendix B.
6. A summary of the statistical data is as follows:
 - 88% of the respondents were residents, the remainder being businesses.
 - 88% of the respondents were of the opinion that the limits on sex establishments proposed in the report should be imposed.
 - 88% of the respondents were of the opinion that the proposed limits were appropriate within each area.
 - 92% of respondents were of the opinion that individual limits should be set for each of the different types of sex establishment.
 - 100% of respondents were of the opinion that there were no areas in Norwich, outside of the city centre leisure area, that would be suitable for the siting of a licensed sex establishment.

Matters for consideration

7. Previously members were not minded to separate out the different types of sex establishment and limit each type individually, and this was reflected in the draft policy. However setting limits for the individual types of sex establishment is something that the majority of consultation respondents indicate should be done.
8. At the time of the meeting of the committee on the 18th December 2018, when members resolved to consult on the draft policy, there were 2 operational licenced sexual entertainment venues situated within the late night activity zone. Members resolved that a limit of 2 licensed sex establishments should be included in the draft policy for this particular area.
9. At the meeting of the committee on the 7 March 2019, which was during the period that the draft policy was under consultation, members considered an application for a

further licensed sexual entertainment venue situated in the late night activity zone. This application was granted, bringing the current total of operational SEV's in this area to 3.

10. The respondents to the consultation overwhelmingly support a limit of 2 sex establishments in the late night activity zone, which is borne out by the statistics and also the comments submitted by the respondents.
11. Where a licensing authority adopts a policy that includes limits on sex establishments, every application must still be determined on its own merits. Therefore the discretion of the council is unfettered and it is within the rights of the Council to determine a licence in spite of its policy, even if this means there are more licensed premises than any limit contained in the policy.

Conclusions

12. The Government has provided local authorities with a way of controlling the number and location of lap dancing clubs in their area. It has also given the Council a wide discretion in deciding the policy relating to sex establishments.
13. Having decided to adopt the provisions of the Act, the Council can adopt a policy relating to the application and determination of applications for lap dancing clubs, sex shops and sex cinemas.
14. Consultation on the attached draft policy has taken place and members should:
 - Consider the responses received;
 - Make any revisions to the draft policy based upon the appraisal of the comments; and
 - Recommend a finalised policy for adoption at Full Council.



NORWICH
City Council

Local Government (Miscellaneous Provisions) Act 1982

Statement of Licensing Policy

for

SEX ESTABLISHMENTS

**Incorporating Guidance and
Standard Conditions**

Approved by Licensing Committee???
Adopted by Full Council??

Statement of Licensing Policy for Sex Establishments

Contents

1	Introduction	3
2	Policy development and consultation details	4
3	Types of Sex Establishment and definitions	4
4	Location of Licensed Premises	5
5	Application Process	6
6	Consultation procedures and Commenting on licence applications	7
7	Determination of applications	9
8	Conditions	11
9	Refusal of licences	11
10	Revocation of licence	12
11	Cancellation of licences	12
12	Right to appeal a decision	12
13	Compliance Monitoring and enforcement	13
14	Exchange of Information	13
15	Policy Evaluation and review	13
Glossary, Definitions and Bibliography		15
Appendix		
A	Notice of Application for The Grant / Renewal / Transfer of a Sex Establishment Licence	19
B	Standard Sex Establishment Licence Conditions Restrictions and Terms applicable to Sex Shops and Sex Cinemas	20
C	Standard Sex Establishment Licence Conditions Restrictions and Terms applicable to Mail-Order Premises	25
D	Standard Sex Establishment Licence Conditions Restrictions and Terms applicable to Sexual Entertainment Venue Premises	29

1. Introduction

This policy has been drafted following new legislative provisions introduced by the Policing and Crime Act 2009 (and adopted by the City Council) that allow the council to regulate lap dancing and similar venues, and provides a framework for regulation of all existing and future sex establishments in the City.

Norwich City Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that it can regulate *sex establishments* in the City.

In this policy

- the Local Government (Miscellaneous Provisions) Act 1982 as amended is referred to as *The Act* unless otherwise stated.
- Norwich City Council as Licensing Authority for Sex Establishments is referred to as *the Authority*.

A Glossary of definitions and terms is provided at the end of the Policy for reference.

The policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Authority, the community, applicants and other relevant organisations.

Due to the requirement that each application must be considered on its own merits, although the Licensing Committee must have regard to this policy as part of their decision making process they are not rigidly bound by it. Should the Licensing Committee choose to depart from this policy, clear and concise reasons for doing so will be provided.

The policy also contains standard conditions which will be applied to the different types of sex establishment which forms part of any licence granted.

This policy relates to any premises wishing to operate as a Sex Shop, Sex Cinema or Sexual Entertainment Venue in Norwich.

Not all premises involved in such businesses will automatically require a Sex Establishment licence. Where there is an exemption within the legislation this has been set out in this policy document.

Notwithstanding matters contained within this policy document, consideration will be given to the provisions of the Human Rights Act 1998 when considering applications for Sex Establishment licences.

The Authority does not take a moral stance through the adoption of this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to regulate such premises in accordance with the law.

2. Policy development and consultation details

Statement of Licensing Policy for Sex Establishments

In developing this policy the Authority has had regard to the legal requirements of the Act and the Policing and Crime Act 2009 and its duties under:

- section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the City;
- the Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- the Provision of Services Regulations 2009 to ensure requirements are:
 - (i) non-discriminatory
 - (ii) justified by an overriding reason relating to the public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and
 - (vii) transparent and accessible.

The Authority consulted on this policy ???? ?

It was approved by the Licensing Committee on ???? ? and adopted by Full Council on ???? ?

3. Types of Sex Establishment and definitions

There are 3 types of sex establishments (as defined in the Act):

- Sex Shops
- Sex Cinemas
- Sexual Entertainment Venues.

These terms are defined in Schedule 3 of the Act (and summarised in the Glossary below). It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

In deciding whether entertainment is “relevant entertainment” in respect of a Sexual Entertainment Venue the Authority will judge each case on its merits, but will generally apply to:

- lap dancing
- pole dancing
- table dancing
- strip shows
- peep shows
- live sex shows

The Authority recognises that not all premises which provide Adult entertainment facilities automatically require a Sex Establishment licence.

This is due to certain provisions and exemptions within the legislation as detailed below.

Statement of Licensing Policy for Sex Establishments

Applications can be made to waive the requirement for a sex establishment licence. However, the Authority does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence except in extreme circumstances which will be considered by the Authority's Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

The Act provides an exemption allowing premises without a Sex Establishment Licence to provide *relevant entertainment* on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours. However such premises will require to hold an appropriate authorisation under the Licensing Act 2003. In considering and granting such authorisations, which relate to nudity, striptease and similar, the Authority will have regard to the Authority's Statement of Licensing Policy and also the principles contained in this policy document

4. Location of Licensed Premises

The Authority acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.

In considering the characteristics of a locality the Authority will take account of the density and proximity of:

- schools, nurseries, crèches, youth hostels and other similar educational or recreational facilities attended by children,
- parks and children's play areas,
- residential and sheltered accommodation,
- religious and community buildings,
- alcohol or entertainment licensed premises,
- other retail units (and their uses).

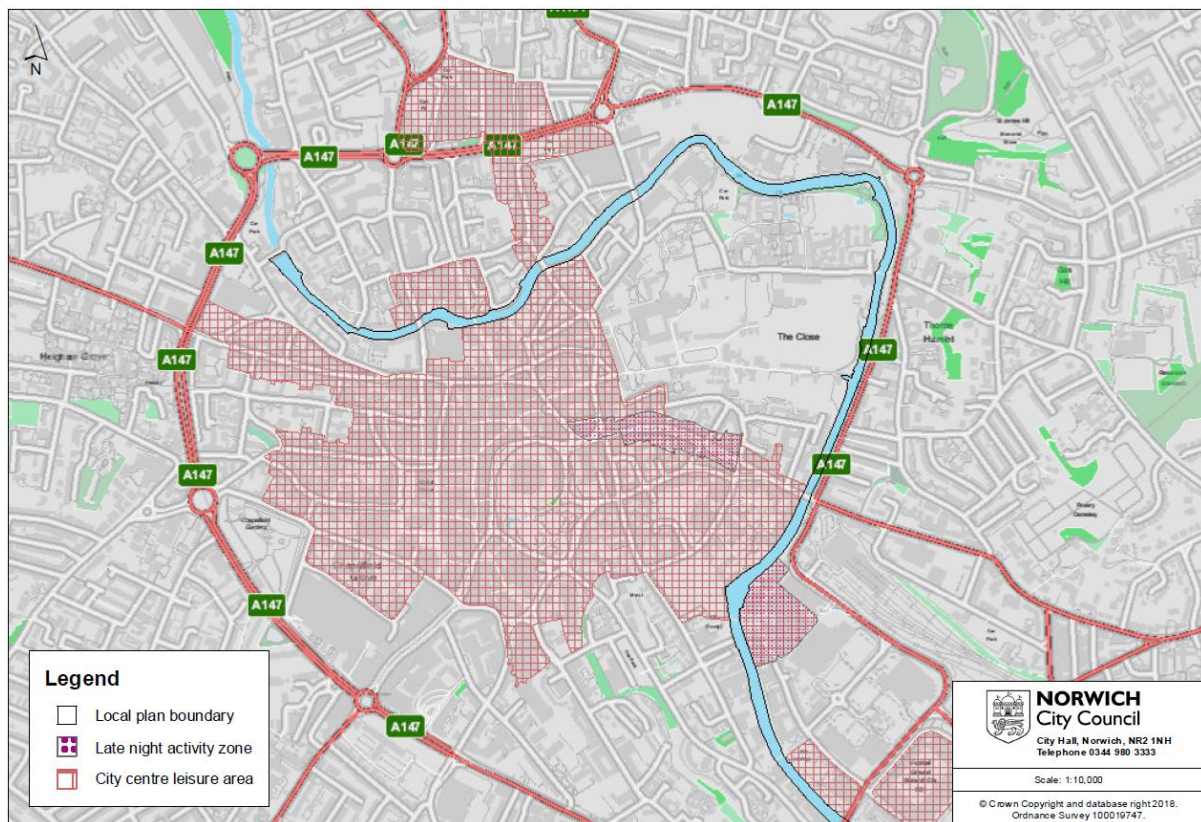
As provided for under the provisions of the Act, the Authority can refuse applications for new or renewed licences where the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality. This number can be 'nil'.

In recognising that different parts of the City have different characteristics the Authority has imposed a limit on the number of premises that may be licensed in a given area, and will treat each application upon its own merits. The Authority considers the maximum numbers should be:

Locality	number
Late Night Activity Zone	2
City Centre Leisure Area ¹ (outside of the LNAZ)	2
City Council area outside of the City Centre Leisure Area	nil

Statement of Licensing Policy for Sex Establishments

The Authority expects that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.



Map showing the relevant localities of Late Night Activity Zone and City Centre Leisure Area¹

¹ The relevant locality of the City Centre Leisure Area is slightly amended from that shown on the plan above so as to also include St Augustines Street from the junction of Pitt Street to the junction of Esdelle Street with the boundary placed through the centre of the street, such that the area incorporates the existing licensed sex establishment at 39 St Augustines Street.

5. Application Process

Applicants should be aware that planning is a separate jurisdiction to licensing. Potential licence applicants should ensure that appropriate planning permission is in place prior to submission of an application for a licence.

Premises may require to hold a Licence under the Act as a Sex Establishment and also a separate licence under the Licensing Act 2003 (for the sale of alcohol and late night refreshment)

An application for the grant, renewal, transfer or variation of a Sex Establishment licence must be made in writing to the Authority in accordance with the requirements shown in Annex A to this policy together with the application fee,

Applications can be made in the following ways:

- By post/personal service to:

Statement of Licensing Policy for Sex Establishments

The Licensing Team, Norwich City Council, City Hall, St Peter's Street,
Norwich NR2 1NH

- Via Email: licensing@norwich.gov.uk
- Online: https://www.norwich.gov.uk/directory_record/1186/sex_shops_and_cinemas/category/108/sex_shops_and_cinemas

The application must be copied by the applicant to the Police within 7 days after the date the application was made, except when received by the council electronically.

Applicants must provide their name, address and (where the applicant is an individual) their age, plus the premises address and the proposed licensed name of the premises.

Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Authority before the premises are opened for business in order to ensure that exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

In addition, applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises for consideration by the Authority. In the case of Sexual Entertainment Venues such plan must outline the area where relevant entertainment will take place.

Applicants for Sexual Entertainment Venues must also submit a copy of their "House Rules". Such House Rules must contain the required conduct of performers which shall include matters containing conditions of licence, i.e. no touching, no meeting customers outside of the licensed premises for any purpose, no sex acts, no giving or taking phone numbers (including exchange of business cards). Such House Rules will form part of the licence (if granted) and may be subject to amendment by the Authority prior to approval.

Applicants must make provision for all performers to sign documentation to confirm their knowledge of and acceptance to adhere to the House Rules. Such documentation must be retained for the duration of the performers' employment and for a further 6 months from the date they last worked at the premises, whether they are employed directly or freelance.

Representatives of the Authority may, as part of the application process, visit the locality of the premises to establish whether there are any characteristics of the locality which may require consideration by the Licensing Committee.

Applicants must also give public notice of the application by publishing an advertisement in a local newspaper which circulates in the area of the Authority to which the application has been submitted. This must be published within 7 days of making the application.

If the application relates to a premises then there is an additional requirement for notice of the application to be displayed for 21 days on or near the premises where it

can be conveniently read by the public. The notice, the form of which is prescribed by the Authority, must contain certain information. The Authority's prescribed notice is contained within this policy document as Appendix A.

Please note that with regard to applications tacit authorisation does not apply to new grant applications for sex establishment licences. This means applicants must wait for the Authority to determine their application before they can operate a sex establishment.

The appropriate fees for applications are set by the Authority and can be found on the Council's website. Application fees must be paid in full at the time of submission of the application.

If an application is for the renewal of a sex establishment licence, the premises can continue to operate past the licence expiry date; provided that the renewal application has been submitted to the Authority before the licence expires

The holder of a licence may apply to the Authority to vary the terms, conditions or restrictions on or subject to which the licence is held.

6. Consultation procedures and Commenting on licence applications

The police are a statutory consultee for all applications.

Residents and businesses may also make objections during the consultation process.

Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the Act. The grounds relevant to the majority of objectors are as follows:

- that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle or vessel or stall in respect of which the application is made.

Any objections received by the Authority which do not relate to the grounds set out in the Act will be deemed invalid and must be rejected by the licensing team. Where objections are rejected, the objector will be given written reasons.

In addition to individuals, objectors can include residents'/tenants' associations, community associations and trade associations. Councillors and MPs may also raise objections. Councillors may represent interested parties, providing they do not also sit on the Licensing Committee.

The Authority will not consider objections that relate to moral grounds (as these are outside the scope of the Act). Where objections are rejected, the objector will be given written reasons.

Statement of Licensing Policy for Sex Establishments

Valid objections will be considered by the Licensing Committee at the hearing to consider the application and applicants will be given an opportunity to present their application to members.

The Authority has a procedure to be followed during licensing hearings. Persons who have made a valid and relevant representation in respect of an application will be able to address the Committee when the application is being considered and may also ask questions of the applicant. A time limit per speaker may be set. Where a number of persons have requested to speak the Chair of the Committee may require a spokesperson to be elected.

Objections must be made in writing (email is acceptable) and should include the following:

- the name and address of the person or organisation making the objection
- the premises to which the objection relates
- the proximity of the premises to the person making the objection; a sketch map or plan may be helpful to show this
- the reasons for making the objections, which are clearly set out in relation to the grounds for refusal (as stated above).

Any Petitions received must clearly state the name and address of the premises application being objected to. The full objection that people are signing to say they agree with must be at the top of the petition. The objection must be in line with the requirements of the legislation (as detailed above). The names and addresses of those signing the petition should be provided and should be legible, together with a signature.

The Authority must be confident that those signing the petition were aware what they were signing for; so in the interest of clarity for those signing best practice would be to have the objection at the top of each page, especially where several people are involved in collecting signatures. The Committee will decide on the merits of the case what weight it will give to objections raised through petitions.

It should be noted that submissions to the Licensing Authority may also be in support of an application. These should also contain the same information as stated above.

The names and address of objectors will not be disclosed to applicants, or published in public reports, in accordance with Paragraph 10 (17) of Schedule 3 to the Act.

Details of applications and objections which are referred to the Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Certain items or information will therefore have to be excluded from the public domain as permitted by Local Government Act 1972.

7. Determination of applications

When considering applications, the Authority will have regard to:

- the Act

Statement of Licensing Policy for Sex Establishments

- any supporting regulations
- guidance issued by the Home Office
- this Statement of Licensing Policy
- any objections made
- the Human Rights Act 1998
- any other relevant legislation or guidance

This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

When determining applications, the Authority will take account of any comments or representations made by:

- Norfolk Constabulary;
- Norwich City Council Environmental Protection Service
- The authority enforcing health & safety at the premises
- Norwich City Council Planning Services
- Norfolk Fire Service
- Norfolk Safeguarding Children Board
- Any other relevant authority

The Authority reserves the right to consult any other body that it considers appropriate.

Paragraph 12 (1)(a-e) of Schedule 3 of the Act prohibits the Authority from granting a licence:

- (a) to a person under the age of 18; or
- (b) to a person who is for the time being disqualified from holding a licence following revocation of such a licence; or
- (c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state;
- (e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Applications which fall into this category will be deemed invalid applications. Please note there is no right of appeal against failure to grant a licence on these grounds.

If the application is valid and no objections have been received and there are no other statutory grounds for refusal, the application will be granted by way of delegated authority.

In cases where objections have been received, or if there are concerns regarding the characteristics of the locality, or any other discretionary ground of refusal, the

Statement of Licensing Policy for Sex Establishments

application will be referred to the Licensing Committee for a hearing and determination of the application.

The Authority may, if they think fit, transfer a licence to any other person upon application by that person.

Each application will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making.

The Authority will give clear reasons for its decisions.

The Authority will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of one year to provide certainty to those operating businesses. The licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

When issuing a Sex Establishment Licence the Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued. In addition to this the Licensing Authority has the power to make standard conditions applicable to all licences for sex establishments. The Authority may grant to any applicant or renew any licence for the use of any premises as a sex establishment on such terms and conditions as may be specified.

8. Conditions

The Authority will attach *standard conditions* (as specified in Appendices B-D. to this Policy document) to all sex establishment licences.

Additional conditions may be added in the following circumstances:

- When offered by the applicant as part of the application;
- Voluntary following recommendations made by any relevant Authority, Police etc;
- By the Licensing Committee following receipt of an objection and a hearing.

Applicants who wish to be exempt from the requirements of any of the *standard conditions* should state, with full reasons why they should be so exempted, when making an application.

It is an offence to breach the conditions and the penalty for this is a fine not exceeding £20,000.

9. Refusal of licences

Except where the Authority are prohibited from granting, renewing, varying or transferring a licence, the Authority will not refuse a licence without first:

- Notifying the applicant or holder of the licence in writing of the reasons;
- Giving the applicant (or holder) of the licence the opportunity of appearing and making representations before a Licensing Committee.

Statement of Licensing Policy for Sex Establishments

As stated above, in accordance with Paragraph 12(1) of Schedule 3 to the Act the Authority **must refuse** to grant or transfer a licence in certain mandatory cases and these will be deemed invalid applications.

In accordance with Paragraph 12(2) of Schedule 3 to the Act the Authority **may refuse**:

- an application for grant or renewal of a licence on one or more of the grounds shown below;
- an application for transfer of a licence on either or both of the grounds shown at a and b below.

The grounds for refusal are:

- a. That the applicant is unsuitable by reason of having been convicted of an offence or for any other reason;
- b. That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application him/her self;
- c. That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined, is equal to or exceeds the number which the Authority considers is appropriate for that locality;
- d. That the grant or renewal of the licence would be inappropriate having regard to:
 - The character of the relevant locality;
 - The use to which any premises in the vicinity are put; or
 - The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

10. Revocation of licence

The Authority is given jurisdiction to revoke a sex establishment licence by virtue of Schedule 3 paragraph 17(1) of the Act.

- on any of the mandatory grounds which are detailed in section 7 above
- or either of the grounds in respect of (a) or (b) detailed at section 9 above, namely that the licence holder is unsuitable or that the manager or beneficiary of the licence is unsuitable.

The Authority will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Committee. They may call a hearing, without requiring a third party to request such a hearing, and give the licence holder an opportunity to appear before them.

Should the Authority revoke a Sex Establishment licence then full reasons for the revocation will be provided to the licence holder within 7 days of the decision.

Revocation of a Sex Establishment licence would disqualify the licence holder from holding or obtaining another Sex Establishment licence in the Authority's area for a period of 12 months. However, this does not prevent the licence holder from holding a licence in another Licensing Authority's area.

11. Cancellation of licences

The licence-holder may surrender the licence at any time and may request the Authority in writing to cancel the licence.

In accordance with Paragraph 15 of Schedule 3 to the Act, in the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked. The representatives must comply with the conditions of the licence and should not be someone who would not normally be granted a licence in their own right

Where the Authority is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, and that no other circumstances make it undesirable, it may extend or further extend the period in which the licence remains in force.

12. Right to appeal a decision

If an application is refused, or licence revoked, following a hearing, then the applicant or licence holder will be informed of the decision and whether there is any right of appeal. Appeals must be made to the local magistrates' court within 21 days, starting from the date the applicant or licence holder is notified of the Authority's decision. It should be noted that a fee may be payable to the magistrates to lodge such an appeal. Applicants or licence holders can appeal against the refusal of a grant, renewal, variation or transfer application, or against the decision to revoke a licence. They can also appeal against conditions or restrictions imposed. Please note there is no appeal against the Authority's decision if the application was refused on the grounds that:

- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
- that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality; or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

The Magistrates' court will determine the appeal application. Applicants who do not agree with the decision made by the magistrates' court, can appeal to the local Crown court. The decision made by the Crown court will be final. The Authority must comply with a decision made by the Magistrates or Crown court.

13. Compliance Monitoring and enforcement

The Authority will adopt an intelligence led and risk based approach to it's a monitoring and inspection regime. In general this will involve carrying out inspections

Statement of Licensing Policy for Sex Establishments

of premises no more than once a year unless exceptional circumstances require otherwise.

It is further recognised that Sexual Entertainment Venues are also regulated by other legislation due to the nature of those operations, and therefore may require more frequent inspection. However, it is anticipated that, wherever possible, consolidated enforcement inspections will be undertaken.

The Authority's approach to enforcement is set out in enforcement policies which are available on request.

Breach of conditions or legislative requirements may result in formal action being taken by the Authority which can include revocation of, or a decision not to renew, a licence. The Authority may also prosecute in respect of serious offences.

14. Exchange of Information

The Authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.

15. Policy Evaluation and review

The policy will be regularly reviewed and monitored by the Authority's officers to ensure that it reflects current legislation, is effective, up to date and achieving a responsible regulatory framework for Norwich.

This will be achieved by monitoring the outcome of hearings, appeals through the Magistrates courts, developments in legislation, by having regard to stated cases, local needs and economic impacts.

This Policy will be reviewed on a 5-yearly basis. Any proposed amendments to the Policy will be fully consulted upon, prior to re-adoption by the Authority.

GLOSSARY, DEFINITIONS and BIBLIOGRAPHY

Sex Shop

“(1) Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging –
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.”

Sex articles:

“(3) (a) anything made for use in connection with, or for the purpose of stimulating or encouraging –

- (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies –

(a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

- (b) to any recording vision or sound, which –
- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.”

Sex Cinema

“(1) Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or

Statement of Licensing Policy for Sex Establishments

(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

(2) No premises shall be treated as a sex cinema by reason only -

(a) if they are licensed under Section 1 of the Cinemas Act 1985, of their use or purpose for which a licence under that section is required; or

(b) of their use for an exhibition to which Section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Section 6(6) of that Act.

Sexual Entertainment Venue

“2A (1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

(a) any live performance; or

(b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(3) The following are not sexual entertainment venues for the purposes of this Schedule—

(a) sex cinemas and sex shops;

(b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—

(i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;

(ii) no such occasion has lasted for more than 24 hours; and

(iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the

12 month period mentioned in sub-paragraph (i));

(c) premises specified or described in an order made by the relevant national authority.

(4) – (12) *omitted as they refer to other matters*

Statement of Licensing Policy for Sex Establishments

(13) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.

(14) In this paragraph—

“audience” includes an audience of one;

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted; and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

Significant Degree & Sex Articles

Licences for sex shops are required where 18R rated films are being sold, or where there is a “significant degree” of “sex articles”. It should be noted that in respect of Mail Order premises the Video Recordings Act 1984 states at section 7 (b) & (c) that no video recording that may only be viewed by persons aged 18 or over is to be supplied other than in a licensed sex shop. Case law precludes the sale of 18R rated films by Mail Order premises which holds a Sex Shop licence because the supply of the film to a person aged 18 or over cannot be confirmed; such supply would fail to ensure that the age controls are properly enforced.

The phrase “sex articles” is defined in the Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, the Authority will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business
- (5) turnover
- (6) other factors which appear to be materially relevant.

Relevant entertainment

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

“Relevant entertainment” is defined in schedule 3 of the Act (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person, e.g. in a private booth.

Nudity

Section 27 of The Policing and Crime Act 2009 defines the “display of nudity” as:-

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus.

Form of Notice – Indecent Displays (Control) Act 1981 section 1(4)(e):

The Authority’s Standard Conditions require that a warning notice be displayed in accordance with the above legislation. The legislation states:

- (a) The warning notice must contain the following words, and no others-

“WARNING

Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age.”

- (b) The word “WARNING” must appear as a heading.
- (c) No pictures or other matter shall appear on the notice.
- (d) The notice must be so situated that no one could reasonably gain access to the shop or part of the shop in question without being aware of the notice and it must be easily legible by any person gaining such access.

Bibliography and further guidance

- Copies of Acts of Parliament and regulations can be viewed at www.legislation.gov.uk
- Home Office guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales.”
http://www.licensingresource.co.uk/sites/all/files/sex/sev_guidance.pdf
- Home Office guidance issued under section 182 of the Licensing Act 2003 in April 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

APPENDIX A

NOTICE OF APPLICATION FOR THE GRANT / RENEWAL / TRANSFER* OF A SEX ESTABLISHMENT LICENCE

I/we

.....
.....

hereby give notice that I/we have applied to Norwich City Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended for a licence to use the premises referred to below as a Sex Shop / Sex Cinema / Sexual Entertainment Venue* as detailed below.

Proposed Licensed

Name.....

Address of

premises.....

.....
.....

Proposed hours of opening/operation

.....

.....

.....

.....

Any person wishing to make representations about the application should make them in writing to the [PLEASE INSERT ADDRESS OF THE OFFICE OF THE COUNCIL THAT IS DEALING WITH THE APPLICATION] within 28 days of the date of the application which was [INSERT DATE].

Signed.....**Date**.....

Notes:

1. Enter full details of the application on this form, including the name of the premises being requested as “the licensed name” and proposed opening hours, or hours of operation in the case of Mail Order Premises.

2. Affix a copy of the completed Notice on the premises to which the application relates, in a prominent position that may be easily read by the public on the day of making application.

You must ensure that this Notice remains in position for 21 days.

3. The content of this Notice, as completed, must be published in a local newspaper within 7 days of making the application.

* Delete as applicable

APPENDIX B

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO SEX SHOPS AND SEX CINEMAS

Introduction

1. In these Conditions “The Council” shall mean Norwich City Council and all enquiries concerning this licence shall be directed to the Licensing Team, Citywide Services, Norwich City Council, City Hall, St Peters Street Norwich NR2 1NH.

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.

3. These conditions are only applicable to “Sex Shop and Sex Cinema” premises.

Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.

5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

6. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.

7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be immediately

Statement of Licensing Policy for Sex Establishments

notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.

9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.

10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality of the premises.

11. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating their name and that they are an employee.

12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

13. The Licensee shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.

14. No person under the age of 18 shall be admitted to the Premises.

15. The Licensee shall adopt a procedure to check the age of customers entering the shop who appear to be younger than 25 in order to ensure that they are not under the age of 18.

16. All persons working in the premises shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of persons working in the premises including adequate identity checks.

17. The Licensee shall ensure that a closed-circuit television system is installed internally and externally to the satisfaction of the Norfolk Constabulary. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.

18. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

Opening of the Premises

19. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Statement of Licensing Policy for Sex Establishments

Monday – Saturday 9:30 am – 6:00 pm

20. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, Christmas Day or Good Friday.

Operation of the Premises

21. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

22. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.

23. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

External Appearance

24. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.

25. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

26. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by.

27. No items should be stored on the premises so that they can be viewed from any external window or door.

28. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

- (i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
- (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.

Statement of Licensing Policy for Sex Establishments

- (iii) A notice stating the opening hours of the establishment.
- (iv) The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.

29. The lettering used in respect of such permitted items:-

In the case of the permitted items at paragraph 24 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.

- 30. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, or otherwise approved by the Council in writing;
- (b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

31. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he/she shall maintain the Premises in good repair and condition.

32. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.

33. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

34. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.

35. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

36. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

37. No previewing of films, video recordings or other similar material shall be allowed to be shown in the premises. (*N.B. This condition only relates to Sex Shops.*)

38. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

Statement of Licensing Policy for Sex Establishments

Goods Available in Sex Establishments

39. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.

40. All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

41. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

42. In accordance with section 7 (b) & (c) of the Video Recordings Act 1984 and case law no 18R rated films may be sold or supplied by Mail Order.
Information for Customers

43. The Licensee shall make available in the Sex Establishment free counselling and advice literature on matters related to sexual health and issues as may be published by the Family Planning Association, the NHS and or other similar organisations. Such literature should be displayed in a prominent position, preferably adjacent to all points of sale in the Sex Establishment.

Licensed Name

44. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.

(b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

APPENDIX C

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO MAIL-ORDER PREMISES

INTRODUCTION

1. In these Conditions “The Council” shall mean the Norwich City Council and all enquiries concerning this licence shall be directed to the Licensing Team, Citywide Services, Norwich City Council, City Hall, St Peters Street Norwich NR2 1NH.

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.

3. These conditions are only applicable to a “Mail-Order Sex Shop” premises.

Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.

5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change. Such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

6. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.

7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be immediately

Statement of Licensing Policy for Sex Establishments

notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.

9. The Licensee shall ensure that the public is not admitted to any part of the Premises. No person under the age of 18 years will be admitted to the premises at any time, for whatever reason or purpose.

10. All persons working in the premises shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of persons working in the premises including adequate identity checks.

11. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality of the Premises.

12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

13 The Licensee shall take all reasonable precautions for the safety of employees.

14. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

Operation of the Premises

15. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

16. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a Mail order sex shop premises.

17. The sex establishment shall be used exclusively for 'mail-order' purposes only, selling sex articles and other articles that do not fall within the definition of sex articles in Schedule 3, paragraph 4(3) of the Local Government (Miscellaneous Provisions) Act 1982.

18. All advertisements, catalogues, sales documents used in connection with the business intended or likely to be seen by customers will clearly and prominently state

Statement of Licensing Policy for Sex Establishments

"MAIL ORDER ONLY". All deliveries/despatches of parcels shall be in plain wrapping not identifying what is inside.

External Appearance

19. No external nameplate, advertisement board or any other written or pictorial or graphic display connected with the business shall be observable from outside the building, or from other units within the building or from the common parts of the building.

20. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

21. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by.

22. No items should be stored on the premises so that they can be viewed from any external window or door.

State, Condition and Layout of the Premises

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he/she shall maintain the Premises in good repair and condition.

24. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.

25. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.

26. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

Goods Available in Sex Establishments

27. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

28. In accordance with section 7 (b) & (c) of the Video Recordings Act 1984 and case law no 18R rated films may be sold or supplied by Mail Order premises (even one which holds a Sex Shop licence).

Licensed Name

Statement of Licensing Policy for Sex Establishments

29. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as “The Licensed Name” by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form. Paragraph 16 of these conditions applies.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

APPENDIX D

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO SEXUAL ENTERTAINMENT VENUE PREMISES

INTRODUCTION

1. In these Conditions “The Council” shall mean the Norwich City Council and all enquiries concerning this licence shall be directed to the Licensing Team, Citywide Services, Norwich City Council, City Hall, St Peters Street Norwich NR2 1NH.
2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to a “Sexual Entertainment Venue” premises.

Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee’s control of the Premises.

Statement of Licensing Policy for Sex Establishments

9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.

10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality of the Premises.

11. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

12. The Licensee shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.

13. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.

14. No person under the age of 18 shall be admitted to the Premises.

15. The Licensee shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.

16. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.

17. The Licensee must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore they must ensure that all performers are fully conversant with and sign an agreement to adhere to such House Rules.

18. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Norfolk Constabulary. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.

19. CCTV recordings will be made available for viewing by authorised Officers of the licensing authority or the police. Copies of such recordings must be kept for a period of 31 days and be provided upon request.

Statement of Licensing Policy for Sex Establishments

20. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored at all times that the premises are in operation.

21. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.

22. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

23. The Council may specify, in writing, the number of members of the public that shall be present on the Premises at any time whilst relevant entertainment takes place, on the grounds of public safety, public nuisance or crime and disorder. The Licensee shall ensure that the number specified is not exceeded at any time.

24. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

25. The Licensee shall provide adequate non-public changing rooms for performers.

Opening of the Premises

26. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.

Operation of the Premises

27. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

28. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or a sex cinema.

External Appearance

Statement of Licensing Policy for Sex Establishments

29. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.

30. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

31. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.

32. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.

33. External advertising of relevant entertainment shall not include any of the following:

- a) any depiction of full nudity
- b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
- c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

34. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

- (i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
- (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
- (iii) A notice stating the opening hours of the establishment.

35. The lettering used in respect of such permitted items:-

In the case of the permitted items at paragraph 34 'i', 'ii' and 'iii' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.

36. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises unless approved by the Council in writing;

(b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

Statement of Licensing Policy for Sex Establishments

37. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he/she shall maintain the Premises in good repair and condition.

38. External doors shall be closed at all times other than when persons are entering or leaving the Premises or unless there is an internal lobby with doors preventing the inside of the premises being viewed externally. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.

39. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

40. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.

41. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

42. Alterations or additions, either internal or external, or any proposed amendments to licence conditions shall not be made to the premises without prior written consent from the Council. An application will be required in order for consent to be considered, which will be considered by the council's Licensing Committee.

43. All booths, cubicles or VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description.

44. All booths, cubicles and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/cubicles/VIP areas are in use. Direct supervision does not include remote supervision by CCTV.

Provision of Relevant Entertainment

45. Live music or the playing of recorded music, which is integral to the provision of relevant entertainment, will be subject to the same conditions contained in any authorisation under the Licensing Act 2003 in respect of live or recorded music. The only exception to this is where a specific condition on the licence requires otherwise.

46. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.

Statement of Licensing Policy for Sex Establishments

47. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
48. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as being where relevant entertainment may be provided.
49. At the conclusion of performances all articles of clothing removed during that performance must be put back on. This does not prevent performers going to their non-public changing area to change their attire.
50. Performers may not accept any telephone number, email address, address or contact information from any customer.
51. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
52. Performers must not perform a nude table dance unless in a supervised area.
53. Performers are never to be in the company of a customer except in an area open to the public within the Premises (this excludes the toilets as performers must not use the public toilets whilst open to the public).
54. The Licensee must ensure that during the performance of a table or lap dance:
- (1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) Customers must remain seated during the entire performance of the dance;
 - (3) For the purpose of restraint only, Performers may only touch a customer above the customer's chest (excluding the head) with their hands only;
 - (4) Performers must not sit on or straddle the customer;
 - (5) Performers must not place their feet on the seats.
55. The Licensee must ensure that during performances of relevant entertainment:
- (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;
 - (3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (6) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

Statement of Licensing Policy for Sex Establishments

56. The Licensee must ensure that during performances of relevant entertainment:

- (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
- (2) Customers must remain appropriately clothed at all times.

57. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following:-

- The payment of an entry fee by customers to authorised members of staff.
- The payment of a fee for relevant entertainment.
- The purchasing of drinks by customers from authorised members of staff.
- The placing of bank notes by the customer in a garter worn by females or an armband worn by males.
- SIA door staff in the execution of their duties.

58. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.

59. Notices outlining condition 57 will be clearly displayed at each entrance to the premises and in the specified designated areas. Notices must state that no touching relates to customers touching performers and other persons working within the premises and vice versa.

60. Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

Licensed Name

61. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

Sex Establishment Policy consultation

This report was generated on 14/03/19. Overall 26 respondents completed this questionnaire.

* Please select whether you are a local resident or business:



Do you think we should impose these limits?



Comments:

The impact of SEVs is far wider than the consenting adults involved, and many residents report avoiding the area to avoid the clients

The Prince of Wales Road area has many residential dwellings for families and elderly people, and is in close proximity to two schools, it is highly inappropriate to have ANY sex themed venue in this area! Besides, Prince of Wales Road is the gateway to and from the railway station, what kind of impression would it create to visitors if they see these sex themed venues when they get off the train? I am sure that sex shops/entertainment venues are not in the definition of a fine city!! For the foregoing reasons, i am disappointed that the consultation is not about whether or not we should exclude sex venues from the city centre area.

After extensive work on this issue, I fully support the recommendation of the committee. They are proportional to uses of each zone and reflect the number of operators at the time the consultation was launched.

It is accepted that a limit may be imposed on the number of sex establishments in particular areas of the city. Given the nature of the areas it is proposed that the limit should reflect the number of premises with a sex establishment licence in each area.

In my opinion, Norwich is only a small city which isn't in such high demand of SEVs so only having those 2 venues would be practical, having more than 2 SEVs could possibly cause unfriendly competition within these venues which could lead to SEVs gaining more of a negative reputation.

There are not enough demand from customers for table dance clubs having more than 2 would be detrimental and a total waste of time.

research in other towns/cities show that they have similar amount of sev licenses or lower due to the population, any more will be too much according to the population of this city.

From previous experience, when there is a saturation of this type of club one area it forces pressure on dancers to compete in an unsavoury manner providing 'extra' services which would amount to breaking the law. Standards will drop and rules will be broken thus creating a dangerous environment.

I beleive that on the Prince of Wales road 2 SEV's is a sufficiant amount, due to being a dancer myself this will add extra pressure on myself and the other girls in this industry. I beleive that the 2 SEV's that are already in place have been situated 1 for many years, and one as an up coming business. this should also be considered.

Comments:

As a supervisor in one of the currently operating clubs, when there is lot of this type of club one area it forces pressure on dancers to compete in an nasty manner where they will be forced to provide 'extra' services which would amount to breaking the law. The high standards will disappear, rules will be broken and this will lead to a dangerous environment.

As a professional working in this industry there is barely enough work for two clubs, adding a third would be detrimental.

I feel the sexual entertainment venues doesn't need more than two , due to competition which may lead to dancers performing sexual acts which would be breaking the law and rules of SEV's . Also I feel two is plenty for the size of Norwich city.

I think there should be two venues because there is not enough customers for both already and my friends have experienced sexual offers from the club that's just been recently approved their licenses.

There is not enough of a demand in the city for any more than the current amount of SEV's. Most nights (except Saturday's) there are less than a dozen customers split between all venues.

from someone who work in the industry two is plenty of clubs due to the amount of custom and more would create rivalry forcing dancers to preform extra services and break the laws

By comparison, research of various other towns and cities with a similar population, Norwich has a high amount of SEV licenses for example: Norwich 5 Ipswich 1 Chesterfield 2 Huddersfield 1

Due to the size of the city I don't believe there is enough customer demand to require another SEV in this area, I believe in doing so it causes more trouble for the existing clubs which have worked hard to build their good reputation.

There Is not enough demand for these services in the area and too much competition causes dancers to behave in an inappropriate manner.

More than enough

As a worker in a late night industry there really no need or demand for anymore clubs of this type in this area. By having more clubs means performers will be tempered to perform sexual acts that would be breaking the law that would cause health and safety issues.

There is not enough customers in the city for the current amount of SEV's. We don't need anymore than 2 clubs. Dancers do naughty things when there is a lot of competition.

with more sex clubs comes more pressure on police to do checks. I understand that the police are limited, and therefore cannot always do... leaving the law to be easily.

Too many table dance clubs in one area will create a risk because dancers will be pressured to do sexual extras.

It is accepted that a limit my be imposed on the number of sex establishments in particular areas of the city. Given the nature of the areas it is proposed that the limit should reflect the number of premises with a sex establishment licence in each area at the time the policy is adopted.

Do you feel the proposed numbers are appropriate within each area?



Comments:

A single employer would have excessive power over staff, while a proliferation would add to feeling residents have of the late night activity zone being a no go area for people outside a certain age range and inclination. Police advice for young women to take extra care of their own safety ,(ie to protect themselves from predatory men,) both confirms and feeds this 'no go' atmosphere

The number should be lower.

The numbers make sure that no operator has a monopoly whilst keeping the numbers to levels that don't saturate the marketplace.

In the late night activity zone there has been for a number of years three Sex establishments. Recently that reduced to 2 and by the time this consultation is considered may be 3 again. Given the recent application for a new sex licence and opportunity for individuals to comment on the location in relation to a specific application no individual sought to say that there should not be 3. The police did not raise any concerns over the impact of the grant of the application on crime and disorder. They additionally stated that there were no concerns in relation to crime and disorder when the premises was trading as a sexual entertainment venue in 2017. At that time there were three sex establishments. In the circumstances the evidence is that the appropriate number of sex establishments in the late night activity zone is 3. Save for one letter from a trade competitor concerned about restrictions on numbers no comments were made by the public against a 3rd SEV licensed premises.

there is no need for anymore table dancing clubs in Norwich or on prince of wales road due to there is not enough of a demand, especially for anymore than 2 on the same road. there will be too many table dancing clubs in comparison to nightclubs.

Whilst there have been 3 clubs on Prince of Wales Rd, there has only ever been 2 table dance clubs operating making anymore not necessary.

From previous experience in this industry, when there is a saturation of this type of club one area it forces pressure on dancers/performers to compete in an unsavoury manner providing 'extra' services which would amount to breaking the law. Standards will drop and rules will be broken thus creating a dangerous environment.

two or less the least venues the least rivalry

Two is the perfect number for the late-night activity zone whilst there is some demand for this type of venue, it is not substantial. For the same reason why would there be a need for 3 cinemas next door to each other? This is a very specific type of entertainment therefore only relevant to a smaller pot of customers. Making only 2 SEV's necessary for the number of customers available. Whilst there have been 3 clubs on Prince of Wales Rd, there has only ever been 2 table dance clubs operating making any more not necessary. The Supply and demand limit of 2 in the late-night activity zone is the correct amount.

I feel it applies to any business looking to open, location is a big factor if you want to succeed you need to be aware of what's already around you. I believe two SEV is more than enough for one street in such a small city which is already experiencing a decline in the nightlife industry over the years

Two is the perfect number of SEV clubs in the late night zone, any more would be unnecessary.

2 is plenty for POW road. 3 is just too much

allows peoples safety.

In the late night activity zone there has been for a number of years 3 sex establishments. Recently that reduced to 2 and has now returned to 3. During the recent application for a 3rd SEV premises no objections or concerns over the impact of the application on crime and disorder. Additionally the police stated that they had no concerns in relation to crime and disorder when the premises was trading as a sexual entertainment venue in 2017. At the time there were 3 sex establishments. In the circumstances the evidence is that the appropriate number of sex establishments in the late night activity zone is 3. There were no comments from members of the public against a 3rd SEV licensed premises.

Do you think that we should be setting a limit for each of the sex establishments separately (sex shop, sex cinema and sexual establishment venues) rather than incorporating them into one 'sex establishment' limit?



Comments:

All types of business have similar impacts, so let the market decide through economic factors which is in operation at any one time.

Different sex establishments have different impacts on the locality and therefore a limit should be imposed for each type of sex establishment

Separating is a good idea so as to not flood one area with the same type of entertainment

This is a great idea to spread this type of venue around the city and not saturate into one area.

each thing offer different services under a wide scope

Separating is a good idea so as to not flood one area with the same type of entertainment.

Separating them is a good idea as there will be less issues between dancers.

Different sex establishments have different impacts on the locality and therefore a limit should be set for each type of sex establishment

The draft policy sets a limit of zero sex establishments for all areas of Norwich, outside of the city centre leisure area. Are there any areas outside of the city centre leisure area that should be considered suitable for licensed sex establishments to be situated?



If yes, please specify;

The setting of zero is very important, as there is a clear distinction between the functions of city centre leisure and residential streets with families, children and schools.

Please use the box below to provide any other comments on the proposed update to the Sex Establishment Policy.

It is important to adopt these recommended proposals at the earliest convenience.

Please use the box below to provide any other comments on the proposed update to the Sex Establishment Policy.

The Local Government (Miscellaneous Provisions) Act 1982, The 1982 Act, authorises councils to issue a licence for the sexual entertainment provided for in SEVs. There are strict regulations for example the prohibition on granting any licence to a person under the age of 18. Further the provisions enable the licensing authority to set out standard conditions which will apply to all venues and again such conditions may restrict matters including who may enter and what the external appearance of the premises may be. In those circumstances it is submitted that the number of venues that exist at the time of the new policy should be the number specified by the council. There is no evidence to support a reduction. The license regime enables the local community to be involved in the licensing process both by involvement through consultation and also in consultation for a specific licence for a specific premise. The current venues employ staff and a number of entertainers will work at the premises if the number of premises is reduced this will lead to unemployment. Research shows that "In the long term, the closure of lap dancing clubs will result in the unemployment of women, particularly problematic in a time of recession, leading to issues of poverty where ex-dancers are unable to find employment" see Colosi (2013) Colosi also argues that closure of lap dance venues "risks pushing the stripping industry underground, with more women opting to work in unregulated environments as erotic dancers, where the physical dangers can be considerable." Colosi goes on that "lack of regulation may significantly affect the safety of the women working in these specific work environments [-erotic entertainment dance venues]. For instance, some of the special conditions applicable to lap dancing clubs and similar venues under the Licensing Act 2003(which continue under the new licensing regime) including the use of cctv and security staff, are inevitably not enforced in instances where erotic entertainment is not known to the licensing authority. It is generally accepted by police forces that there appears to be no negative impact on crime and disorder from lap dance venues in England. This is substantiated, "Even the official police evidence presented to the House of Commons Committee considering the evidence for licensing change stated clearly that crime and disorder were not a cause for concern in relation to licensed strip premises in the UK." See Sanders and Hardy, 2015. The customer demographic for lap dance venues was traditionally largely male. However, it is now more common for females or couples to visit such premises. There is no bar to entry. This is supported by research from Wosick-Correa and Joseph (2008). The proper regulation, imposition of specific fair conditions within a strong policy is key to the operation of lap dance venues which will not cause any adverse effects on the locality. Effective regulation is aided by the involvement of the stakeholders within the industry which is listened to. Such work should be treated as other mainstream types of work rather than as "a deviant criminal activity" see Colosi 2013. To aid that process we are conducting research with the entertainers at our premises. The responses will be submitted to the authority during the consultation process. From our experience entertainers work in the industry for many reasons but an important issue is the money for education or investment, the flexibility in hours is often important for their family commitments. Generally, there is high job satisfaction and generally the entertainers feel safe in their working environment.

There are currently 2 table dance clubs operating in the late night activity zone and whilst there has been 3 licences granted, there has never, at any point all 3 SEV's operated at the same time. This is a perfect number giving potential customers of the choice of different styles of club (all clubs are run extremely different) allowing more SEV's to open will cause problems with dancer/performers to compete in an unsavoury manner providing 'extra' services which would amount to breaking the law. Standards will drop and rules will be broken thus creating a dangerous environment.

3 Lap Dancing Clubs in Norwich is plenty.

Please use the box below to provide any other comments on the proposed update to the Sex Establishment Policy.

Further comments The Local Government (Miscellaneous Provisions) Act 1982, The 1982 Act, authorises councils to issue a licence for the sexual entertainment provided for in SEVs. There are strict regulations for example the prohibition on granting any licence to a person under the age of 18. Further the provisions enable the licensing authority to set out standard conditions which will apply to all venues and again such conditions may restrict matters including who may enter and what the external appearance of the premises may be. In those circumstances it is submitted that the number of venues that exist at the time of the new policy should be the number specified by the council. There is no evidence to support a reduction. The license regime enables the local community to be involved in the licensing process both by involvement through consultation and also in consultation for a specific licence for a specific premise. The current venues employ staff and a number of entertainers will work at the premises if the number of premises is reduced this will lead to unemployment. Research shows that "In the long term, the closure of lap dancing clubs will result in the unemployment of women, particularly problematic in a time of recession, leading to issues of poverty where ex-dancers are unable to find employment" see Colosi (2013) Colosi also argues that closure of lap dance venues "risks pushing the stripping industry underground, with more women opting to work in unregulated environments as erotic dancers, where the physical dangers can be considerable." Colosi goes on that "lack of regulation may significantly affect the safety of the women working in these specific work environments [-erotic entertainment dance venues]. For instance, some of the special conditions applicable to lap dancing clubs and similar venues under the Licensing Act 2003(which continue under the new licensing regime) including the use of cctv and security staff, are inevitably not enforced in instances where erotic entertainment is not known to the licensing authority. It is generally accepted by police forces that there appears to be no negative impact on crime and disorder from lap dance venues in England. This is substantiated, "Even the official police evidence presented to the House of Commons Committee considering the evidence for licensing change stated clearly that crime and disorder were not a cause for concern in relation to licensed strip premises in the UK." See Sanders and Hardy, 2015. The customer demographic for lap dance venues was traditionally largely male. However, it is now more common for females or couples to visit such premises. There is no bar to entry. This is supported by research from Wosick-Correa and Joseph (2008). The proper regulation, imposition of specific fair conditions within a strong policy is key to the operation of lap dance venues which will not cause any adverse effects on the locality. Effective regulation is aided by the involvement of the stakeholders within the industry which is listened to. Such work should be treated as other mainstream types of work rather than as "a deviant criminal activity" see Colosi 2013. To aid that process we are conducting research with the entertainers at our premises. The responses will be submitted to the authority during the consultation process. From our experience entertainers work in the industry for many reasons but an important issue is the money for education or investment, the flexibility in hours is often important for their family commitments. Generally, there is high job satisfaction and generally the entertainers feel safe in their working environment. Bibliography Colosi, R. (2013). Over 'sexed' regulation and the disregarded worker: An overview of the impact of Sexual Entertainment Policy on Lap dancing Club Workers. Social policy and Society, 12(2), 241-252. Wosick-Correa, K.R. & Joseph, L.J. (2008). Sexy Ladies Sexing Ladies: Women as consumers in Strip clubs. Journal of Sex research, 201-215. Hardy, K., & Sanders, T. (2015). The political economy of 'lap dancing': contested careers and women's work in the stripping industry. Work, employment and society, 29(1). 119-136 Conditions: Conditions are an important part of the licensing process. We would invite discussion between officers and the licensed operators to determine the precise wording of conditions. Such comments will enable the conditions to be worded in a way to ensure appropriate standards are maintained and reflect a balance with operational practicalities. There is concern over the operation of condition 57. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following: - The payment of an entry fee by customers to authorised members of staff. The payment of a fee for relevant entertainment. The purchasing of drinks by customers from authorised members of staff. The placing of bank notes by the customer in a garter worn by females or an armband worn by males. On the face of it this prevents any reasonable contact between customers and staff or entertainers. The premises are for relaxation and entertainment – preventing any contact of any nature will create a sterile environment. Separately I have sent 2 questionnaires completed by 2 of the entertainers to the licensing



Regulatory Subcommittee

14:00 to 15:15

11 March 2019

Present: Councillors Malik (chair), Brociek-Coulton, Fullman, Raby (sub for Henderson) and Stutely (sub for Bradford)

Apologies: Councillors Bradford and Henderson

1. Declarations of Interest

There were no declarations of interest.

2. Highways act 1980: application for licence to place tables and chairs on the highway - Mindoro, 1 Westlegate, Norwich, NR1 3LT.

Shaun Rignall, the manager of Mindoro attended for this item.

The environmental protection, licensing and markets manager presented the report.

In response to a member question Mr Rignall confirmed that there would be barriers, bordering the seating area. The environmental protection, licensing and markets manager advised that Norwich City Council's standard conditions applied to the application which dictated that the licensed area be mainly enclosed by barriers. In response to a member question the environmental protection, licensing and markets manager confirmed that the Norwich Access Group had been consulted on the tables and chairs application and no response had been received from them.

Mr O' Leary addressed the committee. He objected to the application because he was concerned there was not enough space for partially sighted people to pass by on the pavement. Guide dogs were trained to use the pavement and he was concerned that the tables and chairs would lead to the bunching up of pedestrians on the pavement. It was noted that the application was made on a road which was pedestrianised and opposite to the tables and chairs there were no other barriers on the pavement. Officers in the highways department had been consulted and confirmed they had no objection on highways grounds to the proposed application.

The committee considered highway safety and the view of the transport planner, and the pedestrianisation of the area and considered that the application would not lead to any highway safety issues

RESOLVED, unanimously to:

- (1) grant the application; and
- (2) to ask the highways department to review the tables and chairs after one month to ensure condition 15 was satisfied.

3*. EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of items 4* and 5* below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

4*. Suspension/revocation of Norwich City Council private hire drivers licence no. 18/01969/PHDRIV - (Paragraphs 1 and 3)

(The licence holder and the environmental protection, licensing and markets manager were admitted to the meeting. The applicant produced his DVLA licence for inspection by the committee. A copy of the report was provided to the applicant at the meeting.)

The environmental protection, licensing and markets manager presented the report.

The licence holder explained the circumstances of the conviction against him which he did not refute and confirmed he had no outstanding charges or offences to answer to.

(The applicant and the environmental protection, licensing and markets manager left the meeting at this point.)

The subcommittee considered the circumstances surrounding the licence holder's conviction and noted that one of its primary roles was to protect the public.

RESOLVED, unanimously, to revoke Norwich City Council private hire drivers licence no. 18/01969/PHDRIV.

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The legal advisor informed the applicant of the subcommittee's decision and listed the reasons for this decision as minuted above. The legal advisor advised the applicant that he would receive written notification of the subcommittee's decision and of his right to appeal to the Magistrates' court within 21 days of receipt of the written notification. The applicant and the environmental protection, licensing and markets manager then left the meeting.)

5*. Application to grant private hire drivers licence – application ref: 18/01776/PHDRIV (Paragraphs 1 and 3)

RESOLVED, unanimously, to adjourn application for grant private hire drivers licence – application ref: 18/01776/PHDRIV to the next meeting of the regulatory subcommittee.

CHAIR



Regulatory Subcommittee

10:00 to 16:15

13 May 2019

Present: Councillors Stutely (chair), Ackroyd, Brociek-Coulton

Apologies: Councillor Thomas (Va)

1. Declarations of Interest

There were no declarations of interest.

2. Highways act 1980: application for licence to place tables and chairs on the highway - Gardeners Arms, 2-8 Timberhill, Norwich, NR1 3LB.

Phil Cutter, the landlord of the Gardeners Arms attended for this item.

The environmental protection, licensing and markets manager presented the report. The application was to place 10 tables and 30 chairs in an area adjacent to the Gardeners Arms on Timberhill, between the hours of 08:00 and 21:00 from March to October. The police had provided a representation detailing a number of suggested conditions to which the applicant agreed.

The applicant, Phil Cutter, landlord of the Gardeners Arms addressed the committee, he had been the landlord for 32 years and highlighted that the Gardeners Arms had an existing tables and chairs licence in place since September 1995. The area in the application was redeveloped by the city council 5 years ago but was underused, it was the location of street drinking and this precluded others from wanting to use the space. The intention was to use the area as an extension of the business's food operation. Local traders he had spoken with were positive about the application.

In response to member questions Mr Cutter said the application did not include umbrellas and that the impact of birds in the area would be monitored. The lectern in the plans would be used to mark an entrance point to the seating area; there would be two dedicated staff for the seating area which would allow one member of staff to bring out food. A bookings system would operate for tables. All food and drink would be served to those seated. The intention was to implement an electronic ordering system if the application was successful.

David Foscett, managing director of Moss and Leahey opticians, asked why no operational plan detailing how the area would work had been included with the application. He had no confidence the area would be adequately staffed.

Mr Cutter said the intention was to serve substantial meals to those in the seating area. Mr Foskett asked how this would be managed, what if friends joined those seated, what stage were meals considered to be finished, would people stay and drink after their meals at the table.

Mr Foskett asserted that there were a number of issues with the operation of the current tables and chairs area that the business already operated.

(The meeting was suspended for ten minutes to allow the committee to take legal advice.)

The environmental protection, licensing and markets manager said that no complaints had been brought to his attention within the last four to five years in reference to the Gardeners Arms current tables and chairs licence. Before that period there had been complaints and these had been dealt with by offering advice to the licensee on the placement of barriers surrounding the area. The committee asked the police licensing officer if she was aware of any complaints in relation to the current licence. She confirmed that there were no complaints this year, there had been one complaint on the day of the Lord Mayor's celebration last year and the licensee had been offered advice in response to this complaint. There had been issues previously but nothing in the last couple of years.

Mr Cutter said in 2012/13 the current licence for tables and chairs was granted, he approached Mr Foskett and asked him if he experienced any issues to contact him directly. Mr Foskett said that they felt their complaints were not listened to and had admitted defeat.

(The committee adjourned for ten minutes to allow order to resume.)

In response to the committee's question Mr Cutter said people turning up at the licence area with a drink in hand wanting to sit down would be directed back to the pub or the current tables and chairs area directly outside the pub. When they finished their meal and were finishing a bottle of wine they would be allowed to remain at the table but not to buy further drinks. In terms of responding to people standing around outside the permitted area, they would be asked to move back up to the pub or the other tables and chairs area. Most people were very reasonable when asked to move on but if any problems they would call the police for assistance. Security staff were employed on the day of big events such as the world cup but the new application did not seek to have tables and chairs out on these days. If people overspill from the current tables and chairs area they were asked to come back into the barriered licenced area.

Mr Foskett stated that the current licenced tables and chairs area was not well managed. They experienced lots of mess outside the business which they attributed to people drinking in the licenced area.

In response to members questions regarding managing those leaving the area to smoke, Mr Cutter said there was adequate seating in the area with three benches and two trees with brick surrounds. The application was for an area of seating on a slope and sturdy furniture would be used to combat any problems with this as it would be cut to sit on the slope adequately. Food would be served until 21:00 with the last food order taken at 19:00.

The police licensing officer said that this application represented a first for Norwich, it was accepted that it would need to be managed closely. The application came from a business operating successfully for number of years which had not received any recent complaints. Concerns relating to crime and disorder could be addressed in the conditions.

Mr Foskett said 16 years ago, he opened his business on Timberhill as a flagship store. Since the smoking ban, smokers had moved out on to the street causing problems with mess, damage to the front of the business, dirty glass, drinks on windowsills, broken glass and this had deterred people from walking along Timberhill. They considered nothing got done when they complained and therefore admitted defeated and stopped complaining.

Mr Foskett raised an earlier tables and chairs application for another business from 2008. The chair took advice from the legal advisor to the committee that it was not relevant to the application being heard in that it was a different application, relating to a different location and did not constitute a precedent for the committee to consider.

He asked Mr Foskett to summarise the points he wished to highlight from the application and these were agreed as:

- Erosion of highway space
- Highway obstruction
- Noise nuisance

Mr Foskett presented his concerns to the committee, he was surprised the application included no environmental report as there was a pigeon and rat problem in the area. He considered that the business and operation plan for the area should have been presented with the application to provide clarity. He was not certain how many staff would be in place and how tables and chairs would work on sloping ground. People would travel between the two tables and chairs areas with glasses in their hands and this would be intimidating and deter people from using Timberhill.

Mr Cutter acknowledged that this had never been done before and said there might be initial problems but these would be worked through with the police and licensing officers.

RESOLVED, unanimously to defer consideration of the application to 10 June 10:15 and ask the applicant to provide a more detailed operational plan to include:

- (1) The conditions suggested by Norfolk Constabulary;
- (2) Maintenance of the area and where the lectern would sit;
- (3) Reference to a guaranteed number of staff;
- (4) How the area would work in practical terms;
 - a) Including how parties with some eating and some not would be managed, what happened when customers tried to enter the area with drinks, and what happened once a meal had finished.

- b) Details of the furniture to be used and lectern, including how health and safety issues of being on a slope would be resolved;
- c) Details of finish time, set up and where the furniture would go when it was packed away

***3. EXCLUSION OF THE PUBLIC**

RESOLVED to exclude the public from the meeting during consideration of items *4 to *7 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

***4. Suspension or revocation of Norwich City Council private hire drivers licence number No. 16/01887/HACKD - (Paragraphs 1 and 3)**

The applicant attended with his legal representative and requested an adjournment of the item to a later date. The applicant's legal representative requested more time in order to conduct enquires on his client's behalf.

RESOLVED, unanimously, to adjourn the suspension or revocation of Norwich City Council private hire drivers licence number no. 16/01887/hackd to the next meeting of regulatory subcommittee.

***5. Application for renewal of a hackney carriage drivers licence – application ref: 19/00123 HACKD (Paragraphs 1 and 3)**

The applicant attended and requested an adjournment of the item to a later date. The applicant requested more time in order to seek legal advice.

RESOLVED, unanimously, to adjourn application for renewal of a hackney carriage drivers licence – application ref: 19/00123 hackd to the next meeting of the regulatory subcommittee.

***6. Application for grant private hire drivers licence – application ref: 19/00241 PHDRIV (Paragraphs 1 and 3)**

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The applicant produced his DVLA licence for inspection by the committee. A copy of the report was provided to the applicant at the meeting.)

The applicant explained the circumstances of the allegation against him and confirmed he had no outstanding charges or offences to answer to. He understood he was able to seek legal representation and have a representative attend with him.

(The applicant and the environmental protection, licensing and markets manager left the meeting at this point.)

The subcommittee considered the circumstances surrounding the allegation against the applicant, the committee had reviewed the evidence and did not speculate on information they did not have and considered the applicant passed the fit and proper person test.

RESOLVED, unanimously, to grant private hire drivers licence – application ref: 19/00241 PHDRIV until August 2019.

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The legal advisor informed the applicant of the subcommittee's decision and listed the reasons for this decision as minuted above. The legal advisor advised the applicant that he would receive written notification of the subcommittee's decision. The applicant and the environmental protection, licensing and markets manager then left the meeting.)

***7. Application for grant private hire drivers licence – application ref: 18/01776 PHDRIV (Paragraphs 1 and 3)**

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The applicant produced his DVLA licence for inspection by the committee. A copy of the report was provided to the applicant at the meeting.)

The environmental protection, licensing and markets manager presented the report.

The applicant explained the circumstances of the convictions against him and confirmed he had no outstanding charges or offences to answer to. He understood he was able to seek legal representation and have a representative attend with him.

(The applicant and the environmental protection, licensing and markets manager left the meeting at this point.)

The subcommittee considered the circumstances surrounding the convictions against the applicant and considered the actions were now outside the current character of the applicant, and was a single occurrence over an eight year period which was unlikely to be repeated.

RESOLVED, unanimously, to grant private hire drivers licence – application ref: 18/01776 PHDRIV.

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The legal advisor informed the applicant of the subcommittee's decision and listed the reasons for this decision as minuted above. The legal advisor advised the applicant that he would receive written notification of the subcommittee's decision. The applicant and the environmental protection, licensing and markets manager then left the meeting.)

CHAIR

