

Subject: Licensing Policy 2016

Report to: Cabinet – 11 November 2015
Council – 24 November 2015

Report by: Licensing and Elections Manager

SUBJECT MATTER/RECOMMENDATIONS

Under the Licensing Act 2003, licensing authorities are required to review their licensing policy every five years. Great Yarmouth Borough Council's current policy will expire on 6 January 2016. Members are asked to approve the final draft Licensing Policy for publication.

1. INTRODUCTION/BACKGROUND

- 1.1 Members are reminded that under the Licensing Act 2003 local authorities are required to prepare and publish a statement of licensing policy. The Act requires the licensing authority to publish its licensing policy every five years and before determining its policy for any five year period, the licensing authority must consult the following persons listed in the Act:

- The chief officer of police for the area;
- The fire and rescue authority for the area;
- Persons/bodies representative of local holders of premises licences/certificates and personal licences; and
- Persons/bodies representative of businesses and residents in its area.

Great Yarmouth Borough Council's current policy came into effect on 7 January 2008 and expires on 6 January 2016.

- 1.2 The local authority must have regard to The Secretary of State's Guidance when making and publishing its policy. The Home Office issued its amended Guidance to local authorities in March 2015.

2. DRAFT POLICY AND CONSULTATION

- 2.1 Great Yarmouth Borough Council's current policy has been amended in line with the new guidance issued by the Home Office and the new draft policy is

attached at appendix 1.

- 2.2 The draft policy has been subject to a six week formal consultation process; and has taken place between September and October 2015. Consultation was by way of letters to all consultees and publication on website.
- 2.3 Following the consultation period, no comments have been made. The final policy will be considered by Full Council at their meeting in November 2015. This is to enable the final policy to be published at least four weeks prior to it taking effect.

FINANCIAL IMPLICATIONS:

None

LEGAL IMPLICATIONS:

Legal requirement under the Licensing Act 2003

EXECUTIVE BOARD OR DIRECTOR CONSULTATION:

Executive Board has been consulted

RECOMMENDATIONS

That the policy, incorporating the amendments, be approved. Once approved, the new policy will be published on 1 December 2015 and will come into effect on 7 January 2016.

Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered?	Issues	
	Legal	√
	Financial	√
	Risk	√
	Sustainability	x
	Equality	x
	Crime and Disorder	x
	Human Rights	√
	Every Child Matters	x



LICENSING ACT 2003

Licensing Policy

Great Yarmouth Borough Council
Town Hall
Great Yarmouth
NR30 2QF

Telephone: 01493 846304
Email: licensing@great-yarmouth.gov.uk
Web-site: www.great-yarmouth.gov.uk

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If you require this in a different format or language, please contact
the Licensing Team

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Summary of Revisions to this Licensing Policy from 2012 version

The Policy document has been updated to reflect changes in legislation, the current section 182 statutory guidance and related matters.

In the consultation draft words in the previous version to be deleted are shown ~~thus~~ and revised additional wording in **red type**.

Proposed changes to the policy are listed below:

Page	Para	Changes
	1.2	update on Great Yarmouth profile
	1.3	Update to reflect legislative change in frequency that policies must be revised
	1.10	updated to reflect deregulation of aspects of “regulated entertainment”
	3.3	conditions on TENs
	4.7	Update on validity and duration of Personal Licences
	4.9	Update reflecting changes to Temporary Event Notices
	13.1	Update on reviews to reflect the status of the licensing authority as a responsible authority
	App II	Glossary updated to reflect changes in legislation and guidance brought about by deregulation agenda
	App III	Responsible authorities details updated including addition of Health Authority

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1.0 Introduction

- 1.1 **Great Yarmouth Borough Council** is the licensing authority under the Licensing Act 2003 and is responsible for granting personal licences, premises licences, club premises certificates and temporary event notices in the Borough. Premises licences, club premises certificates and temporary event notices authorises licensable activities such as the sale and/or supply of alcohol, the provision of regulated entertainment and/or late night refreshment.
- 1.2 Great Yarmouth Borough Council is the third most popular seaside destination in the UK with some 100,000 bed spaces. It is situated in the County of Norfolk, which contains seven District Councils in total.

Great Yarmouth has a population of 97,800 (2013 ONS Mid term estimate) making it the smallest in the County in terms of population. In terms of area it is the second smallest, after Norwich city, covering 17,385 hectares (67.12 square miles). There are approximately 45,000 dwellings 3,394 businesses (March, 2005) and 35,042 employees within the Borough.

The mainstays of Great Yarmouth's economy are the port, activities associated with the offshore oil and gas industry, tourism, manufacturing (particularly electronics and food production), agriculture and service industries. The majority of these sectors have suffered decline in employment and are prone to cyclical and seasonal variations.

The council area is a mixture of urban and rural areas. The urban areas are the towns of Great Yarmouth and Gorleston-on-sea and the parishes of Bradwell and Caister-on-sea. The rural area consists of the remaining 19 parishes. A map of the Borough is attached at appendix 1.

- 1.3 In accordance with the legislation the Licensing Authority will prepare and publish a statement of its licensing policy every ~~three~~ five years. During the five year period the policy will be kept under review and the Licensing Authority may make such revisions as considered appropriate. (the period was initially three years but amended by statute in 2013)
- 1.4 This policy sets out the manner in which applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority.
- 1.5 The policy will not seek to introduce 'zones' where specific activities are concentrated.
- 1.6 The policy will not be used to fix the hours during which alcohol can be sold and, in general, retail premises will be permitted to sell alcohol during the hours, which they are normally open for trade.
- 1.7 This policy statement will not seek to regulate matters which are provided for in any

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other legislation where the other legislation is the most suitable for the circumstances (e.g. planning, health and safety, employment rights, fire safety etc.).

- 1.8 The Licensing Authority does not wish to discourage licensees to provide a wide range of entertainment activities within the Borough throughout their opening hours and to promote live music, dance, theatre etc for the wider cultural benefit of the community.
- 1.9 The licensable activities which require a licence under the provisions of the Licensing Act 2003 and which this policy statement covers include:
- 1 The sale of alcohol by retail
 - 2 The supply of alcohol by or on behalf of a club, or to the order of , a member of a club
 - 3 The provision of regulated entertainment
 - 4 The provision of late night refreshment

(Refer to glossary for definitions – Appendix 2)

- 1.10 ~~The licensing authority may **not** specify conditions relating to public nuisance and child protection, for musical entertainment which is not amplified and takes place between the hours of 0800 and 12 midnight in premises which have a capacity of 200 or less, and is the only regulated activity taking place at the time.~~
- ~~1.11 Morris Dancing and other dancing of a similar nature or a performance of un-amplified, live music, as an integral part of such a performance is exempt from any licensing requirements.~~

2.0 The Policy

- 2.1 The 2003 Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

These objectives are the only matters to be taken into account in determining licensing applications and any conditions attached to licences must be necessary to achieve the licensing objectives.

- 2.2 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

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- 2.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued under Section 182 of the Act.
- 2.4 When determining applications for licences, the Licensing Authority must also have regard to this policy statement and to the Guidance.
- 2.5 Before publishing this policy statement the Licensing Authority will consult with the following –
- 1 the police
 - 2 the fire service
 - 3 environmental health
 - 4 health and safety executive
 - 5 the local planning authority
 - 6 the authority responsible for the protection of children from harm
 - 7 the Director of Public Health at the Norfolk health authority
 - 8 representatives of licence holders
 - 9 local businesses and their representatives
 - 10 local residents and their representatives

3.0 Main Principles

- 3.1 Nothing in the 'Statement of Policy' will:
- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, and/or
 - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act
- 3.2 ~~There is no provision for the licensing authority itself to make any relevant representations and in the absence of any relevant representations in respect of an application, the licensing authority is obliged to issue the licence in the terms sought.~~
- 3.3 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and conditions attached (if relevant representation is made) to various authorisations will be focused on matters which are within the control of individual licensees.
- (n.b. ~~No conditions can be attached o temporary event notices~~ The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:*
- if the police or the EHA have objected to the TEN;*
 - if that objection has not been withdrawn;*
 - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;*

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- *and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.*

This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations)

3.4 When considering conditions (on receipt of a relevant representation), the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.5 The Licensing Authority acknowledges that the licensing ~~legislation function~~ is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of individual licensees or certificate holders.

However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control.

3.6 In this respect, the Licensing Authority recognises that there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- The provision of CCTV surveillance and taxi ranks in the town
- Powers of the local authority to designate parts of the Borough as places where alcohol may not be consumed publicly.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

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4.0 Licences and applications

Premises licences

- 4.1 A premises licence authorises the holder to use the premises for licensable activities according to operating conditions that uphold the licensing objectives. Unless required for a limited period, a premises licence is effective until it is either revoked or surrendered.

Club Premises Certificates

- 4.2 Social and private member clubs need a club premises certificate in order to supply alcohol and provide regulated entertainment for club members and guests. Qualifying clubs are entitled to certain benefits compared to other premises.

Applications

- 4.3 Applicants applying for a new or a variation to a premises licence or club premises certificate must include an operating schedule or a club operating schedule. The application must be copied to responsible authorities and advertised for the benefit of ~~interested parties~~ other persons (see glossary – appendix 2/ list of responsible authorities - appendix 3. The operating schedule shall include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory.
- 4.4 Each application will be considered on its individual merits. If an application for a premises licence or club premises certificate has been lawfully made and there has been no representations from responsible authorities or ~~interested parties~~ other persons, the Licensing Authority must grant the application subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself. The Licensing Authority may not impose conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose conditions when are necessary and proportionate for the promotion of the licensing objectives arising out of the consideration of the representations.
- 4.5 However, in order to minimise problems and the necessity for hearings, it would be advisable for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 4.6 The minor variation process has been introduced to allow a simplified process for making applications for small variations (that not will not adversely affect the licensing objectives) to an existing licence.

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This process does not require the applicant to advertise the application or send to responsible authorities. However, a white notice must be displayed on the premises and the licensing authority must consult responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and it requires specialist advice.

Minor variations will generally fall into four categories:

- minor changes to the structure or layout of a premises;
- small adjustments to licensing hours;
- the removal of out of date irrelevant or unenforceable conditions; and
- the addition of certain licensable activities.

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

Personal licences

- 4.7 A personal licence authorises an individual to sell or authorise the supply of alcohol in accordance with a premises licence. ~~Licences are valid for 10 years, renewable and also portable~~ Originally Personal Licences were valid for 10 years then renewable. The Deregulation Act 2015 has removed the requirement to renew a personal licence with effect from 1 April 2015. Personal Licences are now valid for life unless surrendered or withdrawn. They are portable, which means licensees may use them at any licensed premises in England or Wales.

Designated premises supervisor

- 4.8 The sale and supply of alcohol, because of its potential impact on the wider community and on crime and disorder and antisocial behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. This is why individuals who may be engaged in making and authorising such sales require a personal licence. The premises licence must show the name of the Designated Premises Supervisor (DPS) who takes responsibility for the sale and supply of alcohol in those premises. The DPS will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. Only one DPS may be specified in a single premises licence, but a DPS may supervise more than one premises as long as they are able to ensure that the four licensing objectives are properly promoted and the premises complies with licensing law and licence conditions.

Temporary Event Notices

- 4.9 Temporary events attended by fewer than 500 people will not require a licence. However, the organisers will need to submit a Temporary Event Notice (TEN) to the Licensing Authority, Environmental Health and the Police (to see if they object) informing them of the event. ~~At least 10 working days before the event. There are 2~~

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types of TENs:

a standard TEN, which is given no later than 10 working days before the event to which it relates

a late TEN, which is given not before 9 and not later than 5 working days before the event

A key difference between standard and late TENs is the process following an objection notice from the police or Environmental Health. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, Environmental Health or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing conditions.

The following limitations apply:

- the number of times a person (the premise user) may give a temporary event notice (50 times per calendar year for a personal licence holder and 5 times per calendar year for other people);
- ~~the number of times a temporary event notice may be given for any particular premises (12 times in a calendar year)~~
- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- the number of times a TEN may be given for any particular premises is 12 times in a calendar year (*the Deregulation Act 2015 has increased this number to 15 with effect from 1 January 2016*);
- ~~the length of time a temporary event last (96 hours)~~
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- ~~the maximum total duration of the periods covered by temporary event notices at individual premises (15 days)~~
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- ~~the scale of the event in terms of the maximum number of people attending at any one time (less than 500)~~
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by

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the same premises user is 24 hours.

The statutory ten working days notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

5.0 Crime and Disorder

- 5.1 The Council must fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 when carrying out its function as the licensing authority under the 2003 Act.
- 5.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.3 When addressing the crime and disorder objective, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of this objective. Such steps as are required to deal with these identified issues should be included with the applicant's operating schedule. (Advice on operating schedules - appendix 4)
- 5.4 If the applicant does not address crime and disorder issues in their operating schedule, it is likely that representations will be made. Where relevant representations are made, the Licensing Authority will consider attaching Conditions to licences to deter and prevent crime and disorder both inside and immediately outside the premises, and these will reflect local crime prevention strategies and may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder (see appendix 4).

Cumulative Impact

- 5.5 The Licensing Authority will not take 'need' into account when considering an application, as 'need' relates to the commercial demand for a particular type of premises. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.
- 5.6 Representations may be received from a responsible authority or ~~/interested party~~ other person that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In these circumstances, the

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Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine the crime and disorder or public nuisance licensing objectives.

- 5.7 The Licensing Authority will take the following steps when considering whether to adopt a special saturation policy:
- identification of serious and persistent concern from a responsible authority or representatives of residents about nuisance and disorder
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
 - assessing the causes
 - adopting a policy about future licence applications from that area
- 5.8 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the Borough of the grant of the particular application in front of them. However, the onus would be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 5.9 The Council will keep under review any special saturation policies to see whether they have had the effect intended, and whether they are still needed.
- 5.10 The Licensing Authority will not use such policies solely:
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
 - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
- 5.11 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 5.12 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

6.0 Public Safety

- 6.1 The 2003 Act covers a wide range of premises that require licensing, including,

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cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.

- 6.2 Each of these types of premises presents a mixture of hazards, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against the risks associated with these hazards.
- 6.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. (Advice on operating schedules – appendix 4)
- 6.4 If the applicant does not address public safety issues in their operating schedule, it is likely that representations will be made. Where relevant representations are made, the Licensing Authority will consider attaching Conditions to licences to promote safety and these may include Conditions drawn from the Model Pool of Conditions relating to Public Safety (see appendix 4).

7.0 Prevention of Nuisance

- 7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 7.2 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps are required to deal with these identified issues should be included within the applicant's operating schedule. (Advice on operating schedules - appendix 4)
- 7.3 If the applicant does not address nuisance issues in their operating schedule, it is likely that representations will be made. Where relevant representations are made, the Licensing Authority will consider attaching Conditions to licences to prevent public nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to Public Nuisance (see appendix 4).

8.0 Protection of Children from Harm

Access to Licensed Premises

- 8.1 The wide range of premises that require licensing means that children can be expected to visit many of these, and the development of family-friendly environments is encouraged.

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8.2 While the 2003 Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

8.3 The Licensing Authority will judge the merits of each separate application. However, where relevant representations are made they may decide to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for allowing underage drinking;
- where it is known that unaccompanied children have been allowed access;
- where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Venue operators may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate.

8.4 Where relevant representations are received, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made to ensure that sales are not made to individuals under 18 (whether the age limit is 18 or 16 as in the case of consumption of beer, wine and cider in the company of adults during a table meal);
- restrictions on the hours when children may be present;
- restrictions excluding the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of premises to which children might be given access;
- Age restrictions (below 18);
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable

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- activities are taking place;
- Restrictions or exclusions when certain activities are taking place.

- 8.5 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 8.6 The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police and Trading Standards to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

Access to Cinemas

- 8.7 In the case of premises which are used for film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

Where a premise is authorised for film exhibitions, the licence will be subject to a mandatory condition requiring the admission of children to be restricted.

Children and Regulated Entertainment

- 8.8 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. The Licensing Authority will expect the Operating Schedule to satisfactorily address this issue.
- 8.9 If the applicant does not address protection of children issues in their operating schedule, it is likely that representations will be made. Where relevant representations are made, the Licensing Authority will consider attaching Conditions to licences to prevent harm to children and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from Harm (see appendix 4).
- 8.10 The ~~Licensing Authority~~ Borough Council considers that Norfolk ~~County Council~~ ~~Children's services~~ ~~Safeguarding Children's Board~~ to be the ~~competent lead~~ ~~responsible authority~~ for matters relating to the protection of children from harm (see responsible authorities appendix 3).

9.0 Licensing Hours

- 9.1 The Licensing Authority recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers

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leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance.

- 9.2 With regard to licensing hours, consideration will be given to the individual merits of an application. However, consideration of flexible hours should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

Retail Premises

- 9.3 The Licensing Authority will generally consider licensing retail premises to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 9.4 A limitation may be appropriate following police representations made in respect of individual shops known to be the focus of disorder and disturbance.
- 9.5 It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

10.0 Integrating Strategies and Avoiding Duplication

- 10.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 10.2 Many of their strategies deal in part with the licensing function, and the Licensing Authority will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies.
- 10.3 The Licensing Authority will arrange for protocols with the Norfolk Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from the town's busiest areas to avoid concentrations, which can produce disorder and disturbance.
- 10.4 Arrangements will be made for the Licensing Committees to receive reports on the following matters to ensure these are reflected in their decisions:
- the needs of the local tourist economy and cultural strategy for the Borough, and,
 - the employment situation in the Borough and the need for investment and employment where appropriate

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- 10.5 The ~~Licensing Authority~~ Borough Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application.
- 10.6 The Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes.
- 10.7 However, some regulations do not cover the unique circumstances of some licensable activities and the Licensing Authority will consider attaching Conditions to premises licences and club premises certificates (following relevant representations) where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.
- 10.8 This policy recognises that the Borough Council has a duty under the Equalities Act 2010, to eliminate unlawful ~~racial~~ discrimination, ~~harassment and victimisation~~; and to ~~advance promote~~ equality of opportunity and to ~~foster~~ good relations between persons ~~of different racial groups with different protected characteristics~~. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. These requirements will be taken into account when carrying out licensing procedures.

11.0 Conditions

- 11.1 Conditions (except than the statutory mandatory conditions or those drawn from the applicants operating schedule) may only be attached to a licence if relevant representations ~~from responsible authorities or other persons~~ are received.
- 11.2 Where relevant representations have been made, conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.
- 11.3 If its discretion has been engaged and where considered necessary for the promotion of the Licensing Objectives, the Licensing Authority may consider attaching Conditions drawn from the relevant Model Pools of Conditions and from any published Local Pool of Conditions. (see appendix 4)
- 11.4 The Act has been amended to allow certain community premises to apply for the removal of the mandatory conditions relating to the requirement for a DPS and personal licence holder. The licensing authority would expect a premises wishing to apply under this provision, to have in place:
- 1 a clear constitution or other management documents to confirm that the management board or committee is properly constituted and accountable
 - 2 effective hiring agreements to ensure that where premises are hired, hirers are made aware of their responsibilities under the Act in relation to the sale of

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alcohol

If these key issues are addressed in the operating schedule, it is less likely to attract representations from responsible authorities. It is also expected that any changes to key officers are notified to the licensing authority.

12.0 Enforcement

- 12.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 12.2 The Licensing Authority has established a protocol with the police and adopted its own enforcement policy. This policy provides for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises, which are shown to be well managed and maintained.
- 12.3 All enforcement actions taken by the Licensing Authority will comply with the Councils Enforcement Policy and the Enforcement Concordat, which the Council has adopted. To this end the key principles of consistency, transparency and proportionality will be maintained.

13.0 Reviews

- 13.1 At any stage, following the grant or variation of a licence, a responsible authority or ~~an interested party~~ other person, may apply to the Borough Council ~~ask the licensing authority~~ to review a licence because of a matter arising at the premises in connection with any of the four licensing objectives. The licensing authority itself ~~cannot as a responsible authority~~ can initiate the review process. ~~Where the licensing authority acts as a responsible authority appropriate steps will be taken to ensure separation of the roles and transparency in the decision making process is clear.~~ Representations must relate to a particular licensed premises and must be relevant to the promotion of the licensing objectives.
- 13.2 The licensing authority recognises the importance of partnership working and responsible authorities will aim to give licence holders early warning of any concerns identified at a premises and the need for improvement. A failure to respond to such warnings is likely to lead to a decision to request a review.
- 13.3 Where ~~the Borough Council as~~ licensing authority ~~holds a review hearing and determines~~ ~~considers~~ that action under its statutory powers is necessary, it may take any of the following steps:
- 1 to modify the conditions of the premise licence (which includes adding new conditions or any alteration or omission of an existing condition)

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- 2 to exclude a licensable activity from the scope of the licence
- 3 to remove the DPS
- 4 to suspend the licence for a period not exceeding three months
- 5 to revoke the licence

13.4 In cases when the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – will be seriously considered.

14.0 **Live Music, Dancing and Theatre Regulated Entertainment**

14.1 ~~The Borough Council In its role of implementing local authority cultural strategies, the Licensing Authority~~ recognises the need to encourage and promote a broad range of entertainment live music, dance and theatre for the wider cultural benefit of the communities generally.

14.2 When considering applications for such events and the imposition of conditions on licences or certificates (where relevant representations have been made), the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives, avoiding unnecessary or disproportionate measures that could deter live music, dancing and theatre regulated entertainment.

14.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

14.4 ~~The licensing authority will monitor the impact of licensing on regulated entertainment, particularly live music and dancing, to ensure such events are not being deterred by licensing requirements.~~

14.5 The licensing authority has licensed the following public spaces for regulated entertainment:

- 1 Great Yarmouth Town Centre
- 2 St Georges Park
- 3 Marine Parade and the beach

15 **Responsible Authorities and Other Persons**

15.1 Responsible authorities are public bodies that are statutory consultees that must be notified of licensing applications. A list of the responsible authorities in respect of applications and notices made to the Borough Council can be found at Appendix 3 or on the Councils website

15.2 When dealing with licensing applications for premises licences and club premises

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certificates the Borough Council is obliged to consider representations from two categories of persons, referred to as 'responsible authorities' and 'other persons'. This allows for a broad range of comment to be received both for and against licensing applications.

16 Other Relevant Matters

- 16.1 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions. The Borough Council acknowledges that there is an exemption which allows sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Premises using this exemption should ensure that procedures are in place to exclude children when entertainment of this nature is offered.
- 16.2 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D.
- 16.3 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and the Borough Council will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as licensing officers consider relevant.
- 16.4 **Exempt Gaming.** Premises licensed under the Licensing Act 2003 may offer gaming such as poker and bingo provided the stakes and prizes do not exceed permitted levels. Details of these limits are available from the Borough Council or the Gambling Commission.
- 16.5 **Licence Suspension.** The Borough Council is required under the Act to suspend premises licenses and club premises certificates where the annual fee has not been paid. The Borough Council will invoice each licence holder/club when the annual fee is due setting out the fee that is due. Where the fee has not been paid or there has been no claim of administrative error, the Borough Council will serve a notice to suspend the licence.

17 Committee decisions and scheme of delegation

- 17.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 17.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all

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parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

- 17.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting
- 17.4 The Table on the following page sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers
- 17.5 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 17.6 Copies of applications and letters of representation will be included within the Licensing Manager's report and distributed prior to hearings before a Licensing Sub-Committee. Applicants, responsible authorities and other persons wishing to present additional evidence in support of their application/representation should do so at least 3-working days before the hearing starts. Failure to do, may result in the Licensing Sub-Committee disregarding this additional evidence.

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TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a police objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club registration Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police representation	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for Interim Authorities		If a police representation	All other cases
Application to review premises licence/club premises Registration		All cases	
Decision on whether an objection or complaint is irrelevant, frivolous, vexatious, etc			All cases, initially with discretion to refer to Sub-committee
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notices		All cases	
Application of special policy relating to cumulative impact	All cases		

18.0 Contacts

18.1 Information and advice on all aspects of licensing can be obtained by either:

- a) visiting the website on www.great-yarmouth.gov.uk , or
- b) telephoning the licensing team on (01493) 846304/530 or
- c) e-mailing the licensing team on licensing@great-yarmouth.gov.uk
- d) in person at the Town Hall, Hall Plain, Great Yarmouth

18.2 The Licensing Act 2003 and Guidance issued under Section 182 ~~Draft Statutory Guidance~~ can be viewed on the ~~Department of Culture, Media and Sport Home Office~~ website at [http://www.homeoffice.gov.uk/](http://www.homeoffice.gov.uk/http://www.culture.gov.uk/alcohol-and-entertainment/default.htm) ~~http://www.culture.gov.uk/alcohol and entertainment/default.htm~~

Appendix 1 – MAP OF THE BOROUGH



Appendix 2 – GLOSSARY OF TERMS

Premises Licence	A licence in respect of any premises, such as land or buildings (including vehicle, vessel or moveable structure) that is to be used for one or more licensable activities. Valid for an indefinite period unless reviewed or revoked.
Club Premises Certificate	A licence to supply alcohol to members of a qualifying club and sell it to members and their guests on the premises without the need for any member or employee to hold a personal licence.
Temporary Events Notice	A licence for the temporary carrying on of the sale of alcohol, provision of regulated entertainment or late night refreshment at a premises not authorised by a premises licence or club premises certificate. This notice is subject to certain limitations as laid down by the Licensing Act.
Personal Licence	A licence to authorise individuals to sell or supply alcohol on or off the premises for which a premises licence is in force for the carrying on of that activity. Originally valid for ten years. Now valid for life unless surrendered or revoked.
Designated Premises Supervisor	A specified individual holding a personal licence, who is responsible for the day to day running of the business and whose name will appear on the premises licence.
Licensable activities	The sale of alcohol by retail The supply of alcohol by or on behalf of a club to, or to the order of a member of a club The provision of 'regulated entertainment' The provision of late night refreshment
Regulated entertainment	<ul style="list-style-type: none"> • A performance of a play • An exhibition of a film • An indoor sporting event • Boxing or wrestling entertainment (indoor or outdoor) • A performance of live music • Playing of recorded music (exc. incidental and background music) • A performance of live dance <p>but only where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience.</p> <p>Exemptions include music provided for educational purposes, activities incidental to religious meeting or entertainment held at a place of religious worship and provision of entertainment at garden fete or similar event, provided it is not promoted for private gain.</p>

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Late night refreshment	<p>A person provides late night refreshment if at any time between the hours of 11 p.m. and 5 a.m. he supplies hot food or drink to members of the public, on or from any premises, whether for consumption on or off the premises.</p> <p>Exemptions include the supply of food to a member of a recognised club or person staying at a particular hotel, or comparable premises, for the night (such as guest house, hostel, caravan site, etc.).</p>
Qualifying Club	<p>Where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members. Examples of qualifying clubs are:</p> <ul style="list-style-type: none"> • Conservative, Labour and Liberal clubs • Royal British Legion • Working Men's clubs
Operating schedule	<p>This forms part of the completed application form for a premises licence and must promote the four licensing objectives. It must include:</p> <ul style="list-style-type: none"> • The relevant licensable activities • The times during which the applicant proposes that the relevant licensable activities are to take place • Any other times during which the applicant proposes that the premises are to be open to the public • Where the applicant wishes the licence to have effect for a limited period, that period • Where the relevant licensable activities include the sale of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor • Whether the relevant licensable activities include the sale and supply of alcohol, on or off the premises, or both • The steps which the applicant proposes to take to promote the four licensing objectives
Responsible Authorities	<p>This group can make relevant representations and includes public bodies such as:</p> <ul style="list-style-type: none"> • The chief officer of Police • The Fire authority • The local enforcement agency for Health and Safety • Environmental Health • The local Planning authority • Norfolk Safeguarding Children's Board • The Health Authority • The Licensing Authority

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Other Persons	Bodies or individuals who are entitled to make relevant representations or seek a review of a premises licence. This group includes: <ul style="list-style-type: none">• A person, or body representing persons, living in the vicinity of the premises in question• A person involved in a business in the vicinity of the premises• A body representing persons involved in such businesses, e.g. a trade association
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Public Spaces Protection Order

The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014¹².

PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police. DPPOs will continue to be valid for a period of three years following commencement of the PSPO in October 2014. Once that three year period expires, they will be treated as a PSPO and enforceable as such. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

It should be noted that when one part of a local authority seeks a premises licence of this kind from the licensing authority, the licensing committee and its officers must consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they must be considered fairly by the committee.

Anyone making a representation that is genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision.

For full guidance on the PSPO please see the statutory guidance on the 2014 Act:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

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Appendix 3 – LIST OF RESPONSIBLE AUTHORITIES

Police: Norfolk Constabulary Licensing Team 4 th Floor, Vantage House, Fishers Lane, Norwich Telephone 01603 276024 Fax 01603 276025 Email: licensingteam@norfolk.pnn.police.uk	The Fire Authority: Group Manager Norfolk Fire Service Fire Station Friars Lane Great Yarmouth NR30 2RP Telephone: 01493 339901 Fax: 01493 339940 Email: Gtyar@fire.norfolk.gov.uk
Health and Safety: Great Yarmouth Borough Council Commercial Section Environmental Health Town Hall Great Yarmouth, NR30 2QF Telephone: 01493 846478 Fax: 01493 846415 Email: health@great-yarmouth.gov.uk	Planning Authority: Great Yarmouth Borough Council Planning and Development Town Hall Great Yarmouth, NR30 2QF Telephone: 01493 846100 Email: plan@great-yarmouth.gov.uk
Environmental Health: Great Yarmouth Borough Council Environmental Protection Section Environmental Health Town Hall Great Yarmouth, NR30 2QF Telephone: 01493 846478 Fax: 01493 846415 Email: health@great-yarmouth.gov.uk	Trading Standards: Legal Process Unit Trading Standards Norfolk County Council, County Hall Martineau Lane Norwich NR1 2UD Telephone: 0844 800 8013 Email: trading.standards@norfolk.gov.uk
Child Protection: NSCB Room 60, Lower Ground, County Hall, Martineau Lane, Norwich, NR1 2DH Telephone : 01603 223409	Health Authority: Director of Public Health Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH Telephone TBA Email: licensingapplications@norfolk.gov.uk
Licensing Authority Great Yarmouth Borough Council Licensing Team Town Hall Great Yarmouth, NR30 2QF	

OPERATING SCHEDULES AND POOLS OF CONDITIONS

The operating schedule should be precise and clear about the measures to promote each of the Licensing Objectives. The operating schedule shall include:

- 1 The licensable activities to be conducted on the premises
- 2 The times during which it is proposed that the licensable activities are to take place
- 3 Any other times when the premises are open to the public
- 4 Where the licence is required only for a limited period, that period must be specified
- 5 Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor; and
- 6 Where the licensable activities include the sale of alcohol, whether the alcohol will be for consumption on or off the premises

When applicants are preparing their operating schedules or club operating schedules, they should consider what measures are necessary to promote the four licensing objectives (crime and disorder, public safety, public nuisance and the protection of children from harm). In this respect, applicants should conduct a thorough risk assessment to identify necessary measures to include. Any risk assessment should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- 1 The nature and style of the venue;
- 2 The activities being conducted there;
- 3 The location; and
- 4 The anticipated clientele.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

CRIME AND DISORDER

It is acknowledged that each premise will need to consider different areas for the prevention of crime and disorder, depending on the size of premise, characteristics and activities taking place. The following is a range of measures that could be included:

- 1 The provision of CCTV. The presence of CCTV cameras can be an important means of deterring and detecting crime and disorder at and immediately outside

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licensed premises. Where appropriate, risk assessments should identify the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should be able to offer advice on the use of CCTV to prevent crime.

- 2 Details of a venue drugs policy.
- 3 Details of any search procedure/policy including the storage procedures for confiscated drugs.
- 4 Protocols for actions taken by door supervisors in relation to illegal drugs or violent behaviour, particularly when police officers should be called immediately.
- 5 Text or radio pagers should be considered for public houses, bars and nightclubs operating in the town centre and seafront areas with a high density of licensed premises. They may also be appropriate and necessary in other areas.
- 6 Measures to prevent, or substantially limit, alcohol abuse caused by drinking games and continuous drinks promotions. The Licensing Authority supports the advice given by the British Beer and Pub Association and the Portman Group, thus discouraging binge drinking, particularly by the under 25's
- 7 Membership of 'nightsafe' and 'pubwatch' schemes. Nightsafe is a local multi agency partnership co-ordinated with the police and the Licensing Authority would encourage that premises in the town (and, in the future, other areas if this initiative is extended to other parts of the Borough) to be members of this initiative. It would also encourage that all appropriate premises where alcohol is sold to be members of the 'pubwatch' scheme.
- 8 Recruiting Security Industry Authority (SIA) licensed door supervision staff from a reputable company with SIA approved contractor status.
Having procedures in place to check the SIA register of licensed door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.
- 1 Bottle bans and provision of toughened or shatter proof glasses, particularly when used in designated outside areas. In the interests of both crime and disorder and public safety, the Licensing Authority advise, where appropriate, that where alcohol is consumed in designated outside areas, provision is made to ensure that glasses will be of a type which, when broken, do not enable the remnants to be hazardous, or used as a weapon. Drinking glasses or bottles that may be left (both inside and outside the premises) can be misused and the operating schedule should detail how frequently designated areas will be cleared of any glasses or bottles.
- 2 Proof of age procedures in place

Those involved in the design, development or refurbishment of premises should refer to the guidance 'Secured by Design Licensed Premises' which includes advice on establishing and maintaining a safe and secure environment in licensed premises.

Where relevant representations have been made and in order to comply with the licensing objectives, the Licensing Authority may attach conditions (drawn from the pools of conditions in the Guidance issued under section 182 of the Licensing Act 2003) relating to:

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- 1 The use of text pagers or radios
- 2 Door supervisors
- 3 Banning of bottles
- 4 Plastic containers and toughened glass
- 5 CCTV
- 6 Open containers not to be taken from the premises
- 7 Restrictions on drinking areas
- 8 Capacity limits
- 9 Proof of age cards
- 10 Display of crime prevention notices
- 11 Drinks promotions

PUBLIC SAFETY

Employers have a statutory duty to comply with the requirements of the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary as it would be duplication.

Special issues may arise in connection with cinemas, theatres, special effects, outdoor and large scale events (see Guidance issued under Section 182 of the Licensing Act 2003).

In addition, those preparing operating schedules or club operating schedules, should consider:

- 1 Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance
- 2 The Event Safety Guide – a guide to health, safety and welfare at music and similar events (HSE 1999) ('The purple book')
- 3 Managing Crowds Safely (HSE 2000)
- 4 5 Steps to Risk Assessment: Case Studies
- 5 The Guide to Safety at Sports Grounds (The Green Guide)
- 6 Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances
- 7 The London District Surveyors Association's 'Technical Standards for Places of Public Entertainment'
- 8 The Council's 'Event Safety Guide' for large scale events (capacity over 500),. This is available from the Head Environmental Health, Maltings House, Maltings Lane, Gorleston

The following standards should also be considered:

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- 1 BS 5588 Part 6 (regarding places of assembly)
- 2 BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- 3 BS 5588 Part 9 (regarding means of escape for disabled people)
- 4 BS 5839 (fire detection, fire alarm systems and buildings)
- 5 BS 5266 (emergency lighting systems)

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to include the following matters in the operating schedule:

- 1 Safety checks that are carried out before the admission of public and how such checks are recorded.
- 2 Escape routes – unobstructed and doors easily opened.
- 3 Safe evacuation of disabled people.
- 4 Operation of emergency lighting.
- 5 Curtains, hangings, decorations and upholstery – not to obstruct.
- 6 Capacity limits. The maximum number of persons allowed on the premises at any one time should include staff and patrons. The figure stated should take into account current fire safety guidelines and health and safety guidelines to ensure overcrowding is not a problem. Examples of where an occupancy limit may be required would be in a nightclub or large pubs but would also depend on the type of entertainment provided.
- 7 Access for emergency vehicles.
- 8 Night club owners and dance event organisers are encouraged to seek guidance to ensure the health and safety of anyone attending the events from the safer clubbing guide by visiting www.drugs.gov.uk. This would include chill out areas and access to free drinking water.
- 9 Adequate and appropriate risk related supply of first aid equipment and personnel.
- 10 The provision of ventilation to ensure patrons do not become overheated.
- 11 Electrical safety inspection of the mains system including the provision and testing of shock protection systems such as a residual current device
- 12 Any temporary electrical installation being used to be checked by a competent electrician and a temporary electrical installation report or a certificate of compliance to be obtained
- 13 premises with a gas installation to have an annual CORGI certificate of inspection in respect of that installation and in respect of any gas appliance.
- 14 Suitable and sufficient levels of lighting so as to ensure safety of patrons using the premises.
- 15 The specific safety hazards and associated risks concerned with special effects such as dry ice and fog machines, pyrotechnics, foam parties, firearms, lasers and strobe lighting.
- 16 The specific safety hazards concerning striptease and lap dancing entertainment.
- 17 The risk to patrons hearing from loud events, and any control and/or advance warning of this.

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Where relevant representations have been made and in order to comply with the licensing objectives, the Licensing Authority may attach conditions (drawn from the pools of conditions in the Guidance issued under section 182 of the Licensing Act 2003) relating to:

- Safety checks and provision of log book
- Maintenance of all escape routes and exits including external exits and routes
- Disabled people – safe evacuation
- Lighting (normal and emergency lighting)
- Curtains, hangings, decorations and upholstery – maintained and flame retardant
- Accommodation limits – capacity limits
- First aid – adequate and appropriate first aid equipment and materials available on the premises and trained attendants being on duty
- Temporary electrical installations
- Fire action notices
- Electrical installations (including RCD protection) – safety inspections
- Ventilation
- Use of special effects and giving notification to the licensing authority
- Additional safety measures for indoor sports entertainment such as a medical practitioner being on site during boxing matches, or similar and having an appropriate number of staff trained in rescue and life saving procedures at water sports entertainments.
- Alterations to the premises
- Additional safety measures in connection with theatres and cinemas

PUBLIC NUISANCE

The Licensing Authority appreciates that the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. However, operators should be aware that some activities might cause a disturbance to members of the public and should take into consideration such issues as noise, light, odour, litter and anti social behaviour when completing their operating schedule. Consideration might be given to include the following matters in the operating schedule:

- 1 The hours during which the premises are permitted to be open to the public and/or restrictions when certain licensable activities are to take place.
- 2 The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises including music, noise from ventilation equipment, and human voices. Such measures may include keeping doors and windows shut, the installation of sound proofing, air conditioning, acoustic lobbies etc.
- 3 The steps the applicant has taken or proposes to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.
- 4 The steps the applicant has taken or proposes to take to ensure staff and patrons

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- leave the premises quietly.
- 5 The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
 - 6 Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
 - 7 Whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises.
 - 8 The steps the applicant has taken or proposes to take to ensure activities such as taking out refuse including glass bottles does not cause nuisance to neighbours.
 - 9 The steps the applicant has taken to ensure security and other lighting does not create a nuisance to neighbouring residents.

Where relevant representations have been made and in order to comply with the licensing objectives, the Licensing Authority may attach conditions (drawn from the pools of conditions in the Guidance issued under section 182 of the Licensing Act 2003) relating to:

- 1 Hours – for example: restrictions when licensable activities take place such as playing recorded music after a certain time
- 2 Noise and vibration arising from regulated entertainment taking place at the premises will not be at a level to cause a public nuisance to occupiers of properties in the neighbourhood. Measures could include keeping windows and doors shut, limiting live music to particular area, noise limiter to be used, etc.
- 3 Noxious smells
- 4 Light pollution

PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises. In this case, consideration might be given to include the following matters in the operating schedule:

- 1 Age restrictions – the hours of day during which age restrictions should and should not apply. Additional measures for cinemas.
- 2 Proof of age schemes to avoid illegal sales of alcohol taking place (such as 'NO ID – NO SALE', acceptance of PASS accredited Proof of Age Cards)
- 3 Staff training to identify measures taken to ensure that alcohol is not sold to persons under 18 or that other people do not purchase alcohol for under 18's (apart from exemptions)
- 4 Procedures for lost and found children at large scale events.
- 5 Additional measures that are taken at events that are presented especially for unaccompanied children.
- 6 Measures that are put in place to ensure that children are not exposed to

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unsuitable entertainment

- 7 Compliance with the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks. The Licensing Authority commends the code, which is reproduced below.

The Portman Group Code of Practice

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner, which may appeal to or attract minors. The Borough Council commends the Code.

Where relevant representations have been made and in order to comply with the licensing objectives, the Licensing Authority may attach conditions (drawn from the pools of conditions in the Guidance issued under section 182 of the Licensing Act 2003) relating to:

- 1 Restrictions on access for children to licensed premises where there may be significant gambling, adult entertainment, heavy drinking, etc. taking place.
- 2 Age restrictions on when children are not permitted to use the premises
- 3 Performances especially for children
- 4 Children in performances
- 5 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
- 6 Proof of Age Cards.