



Licensing Act 2003

**Statement of**  
**Licensing Policy**  
**2020**

**Breckland Council**

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## Breckland Council's Licensing Policy Foreword by Councillor Marion Chapman-Allen, Chairman of Breckland's Licensing Committee.

Breckland Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting licences for premises where alcohol is sold, for members' clubs, late night refreshment premises and those providing regulated public entertainment.

The Breckland district is located in central Norfolk and extends over an area of 130,512 hectares (over 500 square miles) and it is home to 140,500 (current figure). The district includes the five towns of Attleborough, Dereham, Swaffham, Thetford and Watton together with a wide range of other settlements.

Breckland's Licensing Team works in partnership with the other Responsible Authorities to ensure the key licensing objectives contained within the Licensing Act 2003 are met and encouraged.

In adopting this policy, Breckland's Licensing Team recognises their role in the Strategic vision of the Council "**Breckland: a place where people and business can thrive**". Acknowledging the importance of well-run entertainment and leisure premises in "**Your Place**", enabling our communities to remain healthy and safe through our regulatory activities for "**Your health and Wellbeing**" and supporting business growth for "**Your Opportunity**".

The Licensing Team will carry out its licensing functions in a way that ensures public safety, supports well managed premises where licence holders show sensitivity to the potential impact of licensable activities on local residents and other businesses.

We will keep this policy under review and always welcome and consider your comments. I would ask you contact the Licensing Team for advice and assistance or to discuss and issues relating to the Licensing Act 2003.

**Marion Chapman-Allen**  
Chairman – Breckland Licensing Committee



## Part 1 Introduction and Overview

**Part 1 introduces the four licensing objectives, provides an overview of the licensing process, explains some key definitions referred to throughout this policy and explains the completed consultation process.**

### Definitions

The following terms are used frequently throughout this document:

- ⊙ **'the Act'** refers to the Licensing Act 2003
- ⊙ **'the Council'** refers to Breckland Council
- ⊙ **'the Guidance'** refers to the Guidance issued by the Secretary of State under Section 182 of the Act
- ⊙ **'the Licensing Authority'** refers to Breckland Council
- ⊙ **'the Licensing Committee'** refers to the Committee of the Council established under Section 7(1) of the Act
- ⊙ **'relevant representations'** in respect of different types of applications has the meaning set out in the relevant sections of the Act
- ⊙ **'the Regulations'** refers to Regulations under the Act issued by the Secretary of State
- ⊙ **'the Statement'** refers to this Statement
- ⊙ **'other person(s)'** is defined as any individual, body or business entitled to make representation to an application under the Act

### Introduction

This Statement satisfies the requirements of Section 5 of the Act and has been written with a view to promoting the following four licensing objectives:

- ⊙ The prevention of crime and disorder
- ⊙ Ensuring public safety
- ⊙ The prevention of public nuisance
- ⊙ The protection of children from harm

This Statement provides information and guidance to applicants, Responsible Authorities and other persons on the general approach that the Licensing Authority will take to licensing applications. In exercising its licensing functions the Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application will nonetheless be considered individually on its merits and both applicants, and those making relevant representations, will be treated fairly and objectively.

In some cases the promotion of the licensing objectives may lead the Licensing Authority to make exceptions to its policies. Where this happens, reasons will be given. Circumstances justifying an exception to a policy are likely to be unusual. Nonetheless, the Licensing Authority will consider each application on its own merits and it will apply the policies flexibly.

The policies set out in this Statement do not seek to undermine the right of any individual to apply under the Act for a variety of permissions and to have any such application considered on its individual merits.

The policies set out in this Statement do not seek to override the right of any person under the Act to make representations to the Licensing Authority about an application, or to seek a review of a licence or certificate issued by the Licensing Authority.

The Licensing Authority has had regard to the Guidance to the Act when preparing this Statement of Licensing Policy. The Guidance to the Act recognises that Licensing Authorities may depart from the Guidance to the Act if they have reason to do so. Where this happens the Licensing Authority will provide full reasons whenever the exercise of licensing functions involves a departure from the Guidance.

## Overview of the Licensing Process

The Licensing Act 2003 makes Licensing Authorities responsible for the administration of the following licensable activities:

- ⊙ The sale by retail of alcohol
- ⊙ The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- ⊙ The provision of regulated entertainment
- ⊙ The provision of late night refreshment

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

- a) A performance of a play
- b) An exhibition of a film
- c) An indoor sporting event
- d) A boxing or wrestling entertainment
- e) A performance of live music
- f) Playing of recorded music
- g) A performance of dance
- h) Entertainment of a similar description to a performance of live music, playing of recorded music or a performance of dance

“Late night refreshment” is defined as the supply of hot food or drink to the public, or a section of the public, on or from any premises whether for consumption on or off the premises (mobile units included) between 11.00pm and 5.00am.

Additionally, the Licensing Authority must acknowledge the receipt of Temporary Event Notices allowing such activities to take place over a short period of time as permitted by Regulations published under the Licensing Act 2003.

Generally, applicants who wish to provide one or more of the types of licensable activities must make an application to the Licensing Authority. An explanation of the licence applications and notifications and licensable activities can be found in guidance notes issued by the Licensing Authority.

Applicants for Premises Licences and Club Premises Certificates are required to produce an Operating Schedule to accompany their application. The Operating Schedule lays out the licensable activities to be provided, the times during which they may be carried out, and describes how the applicant intends to run the premises in order to promote the four licensing objectives.

Responsible Authorities and other persons may view applications for Club Premises Certificates and Premises Licences, and may make representations to the Licensing Authority, where they believe the application undermines one or more of the licensing objectives.

There are a number of exceptions that mean a licence or other authorisation under the Act is not required. These are detailed in the Act, the Live Music Act 2012, Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015. The Guidance to the Act provides an overview of circumstances in which entertainment activities are not licensable.

The Act makes it a requirement for the Council to establish a Licensing Committee, whose functions may be in turn delegated to Sub Committees. The functions of the Licensing Sub Committees are to determine applications under the Act. However, certain determinations can be delegated to Officers. The delegation structure as to who may make what determinations under the Act can be found at **Appendix 3**.

The Act states that applications must be granted unless a relevant representation is made in relation to the application or an element of the application. If no relevant representations are made the application will be granted in accordance with the application subject only to such conditions as are consistent with the Operating Schedule and any necessary mandatory conditions. **Further details regarding the Operating Schedule can be found in Part 4 of this policy.**

A relevant representation can be made by a Responsible Authority or other person. Residents, businesses and other bodies or their representatives, and some statutory agencies, can make relevant representations about applications. These parties are explained in **Appendix 1**. If the representations relate to the licensing objectives and are not frivolous or vexatious, the Licensing Sub Committee or Authority will hold a hearing.

Where a hearing of the Licensing Sub Committee or Authority is held, they have the discretion whether or not to grant the application. Where applications are opposed, the Licensing Authority may:

- ⊙ Amend the conditions volunteered in the Operating Schedule
- ⊙ Restrict the hours during which licensable activities may take place
- ⊙ Limit the type of licensed activities that may be carried out
- ⊙ Impose further conditions on the Licence or Certificate
- ⊙ Refuse the application

## Consultation on this Statement

Those consulted in the development of this Statement include the parties cited in Section 5(3) of the Licensing Act 2003.

- ⊙ The Chief Officer of Police
- ⊙ The fire authority
- ⊙ Representatives of holders of existing premises licence, personal licences and club premises certificates
- ⊙ Representatives of businesses and residents in the District

This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act by the Secretary of State. This Policy takes effect on 7 January 2021 and will remain in force for a period of not more than five years. During that time the Council will keep the Statement under ongoing review.



## Part 2 The Council's Approach to Licensing Policy

The Introduction to the Guidance to the Act issued by the Government identifies key aims for those involved in licensing.

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

The Licensing Authority acknowledges these aims but also recognises that these aims can sometimes conflict and that, where this happens, a balance must be struck between competing interests. The Authority recognises the wish of local people to live and work in a safe and healthy environment, and the importance to the local economy and community of well-run leisure and entertainment premises.

By consulting widely prior to this policy statement being published, the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

The Licensing Authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

In order to avoid duplication with other statutory regimes as far as possible the Licensing Authority will not attach conditions on a licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation e.g. health and safety.

Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder.

In reaching a decision on whether or not to grant a licence, the Licensing Authority will, if relevant representations are made, take account of any non-compliance with other statutory requirements brought to its attention if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.

The grant of a licence by the Licensing Authority does not imply approval of other legislative requirements.

The Licensing Authority acknowledges that licensing is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of those who run those premises.

The following are examples of ways introduced across the District to control such behaviour:

- ⊙ The provision of CCTV in town centres
- ⊙ Police enforcement powers to curb disorder and anti-social behaviour including the issue of fixed penalty notices
- ⊙ Power of Local Authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- ⊙ Powers to confiscate alcohol from adults and children in designated areas
- ⊙ Positive measures to create a safe and clean town centre environment.

However, the Licensing Authority nonetheless considers that licensing law plays a key role in both preventing and controlling alcohol-related crime, antisocial behaviour and public nuisance by ensuring that the licensing objectives are promoted through well-managed premises and, where appropriate, by regulating the number, location and hours of premises. There are powers from the Act that will help to achieve this such as

- ⊙ Police enforcement powers
- ⊙ Enforcement powers to prosecute persons responsible for offences under the Act, including breaching licence conditions or selling alcohol to someone who is drunk
- ⊙ Powers of the Police, Responsible Authorities or local residents/businesses to seek a review of the licence or certificate in question.

## Other Statutory Requirements

The Council enforces other statutory requirements that relate to licensed premises. These include health and safety, food safety, control of nuisance planning and building control.

So far as is possible the Licensing Authority will, when exercising its licensing functions, seek to avoid duplication of other regulatory regimes and the Licensing Authority will not attach conditions on a licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation e.g. health and safety.

The Council also has general statutory duties relating to crime and disorder, human rights, race and disability discrimination. Further information on these can be found in **Appendix 4**.

Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder.

The grant of a licence by the Licensing Authority does not imply approval of other legislative requirements.



## Part 3 Applications for Licences

**The Licensing Authority will not accept any application that is incomplete or fails to satisfy the requirements of the Act or the Regulations. Incomplete applications will be returned with an explanation of why it is incomplete.**

The Licensing Policy may be used by applicants when preparing their applications, Responsible Authorities or Other persons when making representations, Licensing Committee when making decisions on applications, or the Magistrates Court when considering appeals made against a decision of the Licensing Authority.

If the Council is making an application for a premises licence, the Licensing Committee and its Officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, such representations will be given full and equitable consideration by the Committee. Those who make representations, but who are aggrieved by a decision in favour of a Council application, are entitled to appeal to the Magistrates' Court to have the decision reviewed.

In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

### Right to Work

From 6 April 2017 Licensing Authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant.

An application made by an individual without the entitlement to work in the UK must be rejected.

### Operating Schedules

Operating Schedules must be completed and allow the applicant to advise the Licensing Authority, Responsible Authorities and other persons how they intend to ensure that the operation of their premises will promote the four licensing objectives.

The Operating Schedule forms part of the application. It sets out the type of licensable activity to be provided; the times during which it is proposed that licensable activities will take place; any other times during which it is proposed that the premises are to be open to the public and the steps that will be taken to promote the licensing objectives.

The following types of applications have Operating Schedules set out within the application form:

- ⊙ Applications for new premises licences and new club premises certificates
- ⊙ Variations of premises and club premises certificates
- ⊙ Applications for Provisional Statements

Premises and use type vary enormously and it is important that Operating Schedules are specific to the premises and use type in respect of which the application is made. Applicants should therefore make informed judgments as to the steps that may need to be taken to promote the licensing objectives and consider whether these steps need to be included within the Operating Schedule.

The steps set out in the Operating Schedule will form the basis of conditions attached to any licence granted. The following applies:

- ⊙ If no relevant representations are made, the application will be granted in accordance with the application and be subject to conditions consistent with the Operating Schedule and the relevant mandatory conditions.
- ⊙ If relevant representations are made, the Licensing Authority will (unless all concerned agree otherwise) hold a hearing. Where a hearing is held, the Licensing Authority has discretion whether or not to grant the application. If the application is granted, the Licensing Authority may attach or modify the conditions on the licence to such extent as it considers appropriate for the promotion of the licensing objectives.

When determining applications at a hearing, the Licensing Authority will consider the adequacy of the steps or conditions offered by the applicant in the Operating Schedule.

## Representations

The Chief Officer of Police, the Fire and Rescue Authority, the enforcing authority for health and safety purposes, the local Planning Authority, Environmental Health, Trading Standards, the Child Protection authority, the Licensing Authority itself and the Director of Public Health are all known as “Responsible Authorities”. They will be asked to consider all applications and to make representations to the Licensing Authority, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered.

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.

Local residents and businesses near the premises subject to the application, or their representatives are free to raise relevant representations. Members of Breckland Council may also make representations. The Licensing Authority will consider all representations from any party or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.

A representation will only be accepted by the Licensing Authority if it is ‘relevant’, in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, which are regarded as being frivolous or vexatious, will not be considered and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an Officer of the Council.

## Petitions

Any petitions made in respect of an application must meet the following minimum requirements:

- ⊙ It must be clear to which premises/application the petition relates
- ⊙ The petition must relate to one or more of the four licensing objectives
- ⊙ Each page must include information as to the purpose of the petition (so it is clear signatories were aware of what they were signing)
- ⊙ Full names and addresses must be supplied, in a legible manner
- ⊙ It should be made clear to all signatories that a copy of the petition, containing their details will be passed to the applicant and contained within the committee papers, which, in the event of a hearing become public documents
- ⊙ The first named respondent is taken to be the instigator of the petition, and will be used as the point of contact in terms of any queries about the petition

- ⦿ The first named respondent will be expected to represent the signatories at a hearing and to communicate any information to other signatories as appropriate – the Licensing Authority will not contact each signatory as if they were making individual representations
- ⦿ The Licensing Authority reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate.

Petitions not received by the Licensing Authority in this format are unlikely to be classed as a relevant representation.

## Conditions

The Licensing Authority acknowledges that 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 Act.

Any conditions attached to licences or club premises certificates will relate to matters within the control of the individual licensee. Conditions will centre on the premises and the vicinity of those premises. As such, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public who live, work or are engaged in normal activity in the area concerned.

Conditions will only be attached to licences if they are appropriate to promote one or more of the licensing objectives and the outcomes are not covered under other legislation.

In each case, conditions will be tailored to the individual style and characteristics of the premises and the events concerned.

The Act provides that in certain circumstances mandatory conditions are to be attached to premises licences and club premises certificates.

When making relevant representations, Responsible Authorities and other persons can suggest conditions that would satisfy their concerns. Applicants may also suggest additional conditions after relevant representations are made if they feel the concerns raised can be addressed.

Since each case will be considered on its merits, and where a relevant representation has been made, circumstances may arise where measures designed to promote the Licensing Objectives are required by way of conditions. In such cases the Licensing Authority will determine the measures that are reasonably required.

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

To assist the above process **Appendix 2** contains a guide for conditions. The examples conditions can be used by:

- ⦿ Applicants when making an application for a new premises licence or new club premises certificate or when making an application to vary an existing premises licence or club premises certificate.
- ⦿ Responsible Authorities and other persons when making representations to applications, or when making review applications.
- ⦿ Licensing Committees when considering applications that have relevant representations.

The guide should not be regarded as a standard list of conditions to be applied universally to all licences and club premises certificates. Neither should the guide be regarded as a definitive or exhaustive list of conditions.

In some cases alternative conditions tailored to individual circumstances will be necessary.

The example conditions are grouped together in categories and by relevant licensing objectives. It should be noted that many conditions could be applicable to more than one licensing objective.

Because of this, the categories that have been assigned should not be regarded as absolute and can therefore be used for the promotion of other licensing objectives if appropriate.

## Delegation of the Licensing Functions

The Council will provide a speedy, efficient and cost effective service to all parties involved in the licensing process, while at the same time properly publicising all applications with responsible bodies and other persons giving sufficient notice and time to make representations.

A table setting out how applications for licences will be determined is set out in **Appendix 3**.

Unless there are compelling reasons to the contrary, the Licensing Committee or any of its Sub-Committees will meet in public, although Members can retire into private session to be advised by legal advisors to consider their decision.

## Need for Licensed Premises

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

## Cumulative Impact of a Concentration of Licensed Premises

“Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider when reviewing its Licensing Policy Statement.

The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.

The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance. The Licensing Authority, having regard to the evidence currently available, and being aware of other measures that are available to the Local Authority and Police to address such issues, considers that there is no particular part of the District causing a cumulative impact on any of the licensing objectives. However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents, businesses or Responsible Authorities, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. In such cases, the Licensing Authority will follow the procedure set out in the Secretary of State’s Guidance to determine whether a special policy covering cumulative impact should be incorporated in this Statement of Licensing Policy.

## Early Morning Restriction Orders and Late Night Levy

The ability to implement an Early Morning Restriction Order or 'EMRO' is a power conferred on the Licensing Authority by the Police Reform & Social Responsibility Act 2011 (the 2011 Act) which enables Licensing Authorities to restrict the sale of alcohol in the whole or part of their area between midnight and 6am on all or some days. EMRO's can be made in problem areas if there is evidence that the order is appropriate for the promotion of the licensing objectives. Restrictions would only relate to alcohol, not regulated entertainment. The Licensing Authority has no plan to implement any EMRO's at the time of writing. Any decision to implement an EMRO would be made by the Licensing Committee.

The power to implement a Late Night Levy is also within the 2011 Act. This enables Licensing Authorities to charge a levy to premises licensed to sell alcohol late at night in the district as a means of raising a contribution towards the cost of policing the late-night economy. Any levy would have to apply to the entire local authority area. The Licensing Authority has no plan to implement a Late Night Levy at the time of writing. Any decision to implement a Late Night Levy would require full consultation. Such a decision would be made by the full Council.

## Advice and Guidance

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

Should Responsible Authorities and Other Persons give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement, requests for a review of any licence will only be sought if such notice has failed to resolve the matter or problem.

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



## Part 4 The Licensing Objectives

This Part of the Statement sets out each of the four licensing objectives and identifies the matters that may be relevant to the promotion of each. In the first instance it is for applicants to decide which of the matters are relevant to their application and to include, within their Operating Schedule, the measures they propose to take to promote the licensing objectives.

While the production of a risk assessment to accompany an application under the Act is not mandatory, the Licensing Authority encourages applicants to complete one prior to making an application. The Licensing Authority considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of him/her wishing to make an application for variation or in response to changing circumstances/conditions at the premises.

Consideration of additional measures may also be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives.

The Licensing Authority will consider applications for minor variations to premises licences, provided that the Authority is satisfied that the variation will not adversely impact on the licensing objectives and the Licensing Authority will consult with Responsible Authorities whom they deem necessary to make such assessment.

Applicants are reminded that each objective (and the associated risks) may require a range of measures to address them. Similarly, some risks and measures may cover more than one of the four licensing objectives.

It is stressed that the matters listed in this section are not exhaustive and will not necessarily apply to all premises types, sizes or uses. Each case will be considered on its own merits.

When considering the various issues under each of the Licensing Objectives, applicants may also wish to consider the guide for conditions in **Appendix 2**.

### Prevention of Crime and Disorder Reasons for Policy Approach

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

The Council is committed to reducing crime and disorder across the District and ensuring that Breckland is a safe place. The Council's aim is to reduce crime and the fear of crime across the District by working together with partners and the communities we serve.

National and local crime statistics and research indicate that the consumption of alcohol can be a significant contributory factor to levels of crime and disorder. The Licensing Authority recognises that good management and best practice procedures in licensed premises can make an important difference to the level of alcohol-related crime in the vicinity of the premises.

The promotion of the licensing objective of preventing crime and disorder places a responsibility on licence holders to become key partners in achieving this objective.

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

- ⊙ Underage drinking
- ⊙ Public drunkenness
- ⊙ Keeping illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises
- ⊙ Preventing disorderly and potentially violent behaviour on and outside the premises
- ⊙ Reducing anti-social behaviour and disorder inside and outside the premises
- ⊙ Litter
- ⊙ Unauthorised advertising
- ⊙ Protecting people and property from theft, vandalism and assault
- ⊙ Guard against glasses and bottles being used as weapons or causing accidents.

Crime and disorder in the vicinity of the premises – this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises.

Events - risk assessments may need to consider whether the type of regulated entertainment that is proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder.

Sales of alcohol for consumption off the premises - applicants in respect of off-licences and other premises selling alcohol for consumption off the premises may need to consider the following:

- ⊙ What measures are necessary to prevent underage sales
- ⊙ What measures are necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol
- ⊙ Whether there are procedures in place to prevent sales of alcohol to intoxicated persons

Late night refreshment - applicants in respect of late-night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises.

Where appropriate, applicants should demonstrate suitable measures to address this problem.

Premises environment – applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

## Measures to Address Crime and Disorder Risks

In proposing steps or conditions to be included in the Operating Schedule, the following provides a non-exhaustive list of measures/issues that the Council considers may be relevant to licence applications:

- ⊙ **Alternative to glass bottles and glasses** - Restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
  - ⊙ **CCTV** - Using CCTV inside and/or outside the premises together with appropriate procedures and staff training for the maintenance and operation of such systems.
  - ⊙ **Dispersal Procedures** – Establishing appropriate dispersal procedures so as to minimise the potential for crime and disorder when customers are leaving the premises.
  - ⊙ **Dealing with and reporting Crime and Disorder** - Training for staff and door security aimed at reducing crime and disorder in premises and it's vicinity and dealing with and reporting incidents if they occur.
  - ⊙ **Door Staff** - Considering whether the premises employ sufficient numbers of SIA registered door staff (Note: All door supervisors must be Security Industry Authority registered).
  - ⊙ **Drugs and Weapons** – Ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues.
  - ⊙ **Promotion/Event Risks** – Ensuring compliance with guidance from the Relevant Authorities relating to specific event risk assessments for externally promoted live music events well in advance of the event. (Refer to **Appendix 1** for contact details).
  - ⊙ **Excessive Drinking** - Training for staff to recognise when customers may be becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
  - ⊙ **Getting home safely** – Providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night – including night buses, licensed taxis and private hire (mini-cabs).
  - ⊙ **Local Schemes** – Joining and attending meetings of the local Pubwatch, Radio scheme etc.
  - ⊙ **Overcrowding** - Developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.
  - ⊙ **Queue Management** – Establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder by customers who are queuing.
  - ⊙ **Underage Drinking** – Adopting appropriate policies on underage drinking and prominently displaying a copy of the policy (or a summary) within the premises. Adopting procedures and staff training to check the age of persons who may be under 18 and to ensure that alcohol is not supplied to persons who are under the age of 18.
- ▶ Effective and responsible management of premises including training and supervision of staff
  - ▶ Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary Codes of Practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA
  - ▶ Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports
  - ▶ Employment of Security Industry Authority licensed door staff to manage the door and minimise disorder.
  - ▶ Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs.
  - ▶ Provision of litterbins and other security measures, such as lighting, outside premises.
  - ▶ Ban known offenders and share information with other licensed premises in the area.
  - ▶ Introduce a 'last entry' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish.

## Designated Premises Supervisor [DPS]

Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ("Designated Premises Supervisor") and such a person must be in possession of a current Personal Licence. The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

The Act does not require a DPS or any other Personal Licence Holder to be present on the premises at all times when alcohol is sold. However, the DPS and the Premises Licence Holder remain responsible for the premises at all times and have a duty to comply with the terms of the Licensing Act and any conditions, including the matters set out in the premises' Operating Schedule, in order to promote the Licensing Objectives. To that end, the Licensing Authority will be mindful of the Guidance issued by the Secretary of State, which recommends that a Personal Licence Holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the Act and the Designated Premises Supervisor/Personal Licence Holder remain ultimately responsible for ensuring compliance with the Act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

The Licensing Authority will therefore expect that where the Personal Licence Holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by an Officer of the Licensing Authority or the Police upon request.

## Guide for Conditions (Crime and Disorder)

Draft model licence conditions relating to crime and disorder are attached at **Appendix 2**.

## Public Safety

### Reasons for the Policy Approach

The carrying on of licensable activities may involve potential risks to the safety of the public and to persons working at the premises. Additionally, crime and disorder both inside and outside the premises may also compromise public safety.

The Licensing Authority is committed to ensuring the safety of persons visiting and working in licensed premises. Accordingly, where other legislation fails to make suitable provision to ensure public safety, the Licensing Authority will exercise its licensing functions to secure the safety of members of the public and staff.

The steps required to ensure public safety vary according to the individual style and characteristics of the premises, the nature of the proposed licensable activities/regulated entertainment to be provided at the premises and the anticipated number of persons attending the premises.

The safety of any person visiting or working in licensed premises must not be compromised.

## Possible Public Safety Risks

The following provides a non-exhaustive list of risks associated with the public safety objective that applicants may wish to consider when preparing their Operating Schedule.

- ⊙ **Blocking of public areas** – This may apply to both inside and outside areas. For example, applicants may need to consider the possible impact of patrons congregating in areas in close proximity to the premises (in areas within the direct control of the licensee), and the possible safety issues arising from patrons and/or others being forced to walk on roads as a result of not being able to pass by freely using the public highway.
- ⊙ **Emergencies** - Issues in relation to emergency management, evacuation and overcrowding.
- ⊙ **Environment** – Issues concerning ventilation, cooling and heating and access to drinking water.
- ⊙ **First aid and signage** – Whether appropriate signage is displayed warning of hazards (slipping and tripping hazards), the preparedness to deal with first aid incidents.
- ⊙ **Hazardous materials** - Whether any regulated entertainment to be provided at the premises involves the use of hazardous materials, hazardous activities or special equipment that may be hazardous when used.
- ⊙ **Overcrowding** - Developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming ill.
- ⊙ **Patrons** - the attendance by customers with disabilities, or whose first language is not English.

## Possible Measures to Ensure Public Safety

In proposing steps or conditions to be included in the Operating Schedule, the following provides a non-exhaustive list of measures/issues that the Council may expect applicants to consider:

- ⊙ **Risk assessments** – Having suitable and sufficient risk assessments.
- ⊙ **Building safety** – Identifying slipping, tripping and falling hazards and the use of appropriate signage to make staff/ patrons aware of the potential dangers.
- ⊙ **Environment** – Ensuring there is adequate ventilation, heating and drinking water supplies.
- ⊙ **Capacity and overcrowding** – Planning the anticipated number of persons attending the premises and, where appropriate, the anticipated number of persons in individual parts of the premises. Processes and procedures may also be required to record the number of persons entering and leaving the premises to prevent overcrowding.
- ⊙ **Public safety training** – Conducting training for staff to ensure that necessary measures to secure public safety at the premises are properly implemented, such as first aid and general awareness of Public Safety issues for the premises.
- ⊙ **Site and general arrangements** – Ensuring that there are evacuation plans, access for emergency vehicles, means of escape (including the means of escape for disabled people - BS 8300 gives recommendations for the provision of satisfactory access to buildings for disabled persons and BS 5588–8 gives recommendations for satisfactory means of escape).
- ⊙ **Special effects** – If special effects are to be used on the premises such as flame, lasers, pyrotechnics, smoke, fog, foam or firearms, the Licensing Authority encourages risk assessments to be carried out in respect of each such activity, detailing the steps to be taken to prevent and control risk to patrons and staff.
- ⊙ **Insurance** – having Public Liability Insurance.
- ⊙ **Best Practice** - Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (further advice can be obtained from the Norfolk Fire Service on 01603 810351 <https://www.norfolk.gov.uk/safety/norfolk-fire-and-rescue-service>, The Event Safety Guide, Safety in Pubs published by the BBPA)

## Guide for Conditions (Public Safety)

Draft model licence conditions relating to public safety are attached at **Appendix 2**.

## Public Nuisance

### Reasons for the Policy Approach

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

The Licensing Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community.

Public Nuisance will be interpreted in its widest sense and will be taken to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities may be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

The Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or premises, and relevant representations have been made.

The Licensing Authority believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place.

### Possible Causes of Public Nuisance

The following provides a non-exhaustive list of risks associated with the Public Nuisance objective that applicants may wish to consider when preparing their operating schedule:

- ⊙ **Deliveries** - Early morning deliveries and late night clearing up. For example, the emptying of bottle bins.
- ⊙ **Late-night noise** - This takes many forms but the following are of particular concern:
  - Customers queuing to enter or leave the premises
  - Customers loitering outside the premises waiting for taxis or private hire vehicles
  - Alcohol-related drunken behaviour and shouting
  - Customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises)
  - Car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises
- ⊙ **Lighting** - Excessive artificial lighting in the vicinity of licensed premises.
- ⊙ **Litter/waste** - Litter and waste generated by the carrying out of licensable activities. For example, food wrappers and cigarette butts.
- ⊙ **Noise** - Noise break out and noise induced vibration arising from licensable activities at licensed premises.
- ⊙ **Obstruction** - The blocking of footpaths by customers eating, drinking and smoking in the vicinity of the premises.
- ⊙ **Plant and Machinery** - Noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extracts. This may include smell nuisance from ventilation ducting and kitchen extracts.

This list sets out some examples of the likely or possible causes of public nuisance. However, these matters alone may not be sufficient to warrant the attaching of conditions on a licence. Each application will be determined on its own merits.

The principal statutory powers that already exist to control most of these matters are contained in the Environmental Protection Act 1990. Although this legislation empowers Environmental Health Officers to take pre-emptive action in appropriate cases, there is no statutory requirement for operators to notify the Council about activities that might give rise to problems.

### Possible Measures to Address Public Nuisance

In proposing steps or conditions to be included in the operating Schedule, the following provides a non-exhaustive list of measures/issues that the Council may expect applicants to consider:

- ⊙ **Deliveries** – Ensuring arrangements are in place to prevent unreasonable disturbances caused by delivery of goods and services to the premises and by waste collection, for example ‘collections’ during the daytime hours.
  - ⊙ **Litter** - Where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and/or clearing it up.
  - ⊙ **Noise or vibration escaping the premises** - The Licensing Authority will be particularly concerned with premises that are located close to residential properties who propose music and entertainment. Applicants are encouraged to supply an acoustic report confirming that there will be no noise breakout from the premises that might breach noise conditions on the premises licence or club premises certificate.
  - ⊙ **Plant and equipment** – Applicants should demonstrate that plant and equipment i.e. air handling units, ventilation/extraction ducting and other equipment is suitable and sufficient for the purpose intended without causing nuisance to local residents by way of noise, odours or vibration.
  - ⊙ **People Entering and Leaving the premises** - Whether consideration has been given to possible public nuisance issues caused by customers and staff entering and leaving the premises. Particular regard will be paid to queuing arrangements and arrangements for customers who use mini cab services when leaving the premises.
  - ⊙ **Customers smoking, eating and drinking in outdoor areas and on the highway outside the premises** - Possible measures that may address this issue include:
    - Signage asking customers to keep noise to a minimum when using outdoor areas.
    - Restrictions on the numbers of customers permitted in certain outside areas and/or at certain times.
    - Use of door staff and employees to monitor possible public nuisance issues.
- Refer to **Appendix 4** for further information concerning the Health Act 2006.
- ⊙ **Queuing** – Is there an effective door and queuing policy to encourage good behaviour outside the premises? This might include training for door staff to deal with conflict and drunkenness.
  - ⊙ **Signage** - Whether there is signage which encourages customers to leave the area quietly, to minimise rowdy behaviour whilst waiting for transport and to generally minimise nuisance and/or disturbance to residents.
  - ⊙ **Vehicles** - Whether there are measures proposed to lessen the impact of the parking of customers’ and staff vehicles in the vicinity of the premises and measures taken to minimise noise generated by other vehicles attending the premises, for example mini-cabs.

## Guide for Conditions (Public Nuisance)

Draft model licence conditions relating to Public Nuisance are attached at **Appendix 2**.

## Protection of Children from Harm

### Reasons for the Policy Approach

Activities associated with premises that sell alcohol or provide regulated entertainment may, in certain circumstances, give rise to concerns for the health and welfare of children (a child is any person under the age of 18).

The Licensing Authority is committed to protecting children from harm and applicants will therefore need to demonstrate how they will promote this licensing objective. Where appropriate, conditions preventing or restricting the admission of children will be imposed.

The Licensing Authority will not, however, impose any condition that requires the admission of children to licensed premises.

In relation to regulated entertainment of a sexual nature, the Council has resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009 regarding sexual entertainment venues. The Council's own Sexual Entertainment Venue Policy will apply.

### Promotion of the Protection of Children from Harm Licensing Objective

The Council has a statutory obligation to ensure robust mechanisms are in place for safeguarding arrangements for children and vulnerable adults. Therefore, the Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:

- ⊙ Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- ⊙ Where there have been convictions for serving alcohol to minors or with a recorded history for underage drinking.
- ⊙ With a known association with drug taking or dealing.
- ⊙ Where there is a strong element of gambling on the premises. Please refer to Breckland Council's Statement of Principles for Gambling.
- ⊙ Where entertainment of an adult or sexual nature is provided.
- ⊙ Where it is known that unaccompanied children have been allowed access

The Licensing Authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

### Measures to Protect Children from Harm

In proposing steps or conditions to be included in the Operating Schedule, the following provides a non-exhaustive list of measures/issues that the Council may expect applicants to consider, ensuring the protection of children from harm:

- ⊙ **Prevention of underage sales** – This may include:
  - Requirements for accompanying adults at all times with persons under 18.
  - Full exclusion of persons under 18 from the premises when licensable activities are taking place.

- ⊙ **Access to premises** – Restricting access for children to licensed premises:
  - Limitations on the hours when children may be present.
  - Limitations which exclude the presence of children under certain ages when specified activities are taking place.
  - Limitations on the parts of the premises to which children might be given access.
  - Age limitations (below 18).
- ⊙ **Unaccompanied children** – Where unaccompanied person under 18 years of age are to be present at public entertainment, the Licensing Authority will expect the venue to provide a member of adult staff (over 18 years of age) for every 50 (or part 50) children present, whose sole responsibility and purpose is to protect those children from harm and to control access and egress.
- ⊙ **Children, cinemas and television** – Where children are present at an event as performers/entertainers, there should be a nominated adult responsible for those children in order to protect them from harm.
- ⊙ **Age Restricted films** – Where appropriate, applicants should detail their arrangements for restricting children from viewing age restricted films classified according to the BBFC or the Council.

The procedure for film classifications can be found in Part 5.

### Guide for Conditions (Protection of Children from Harm)

Draft model licence conditions relating to the protection of children from harm are attached at **Appendix 2**.

## Part 5 General

### Deciding on Hours

When completing the Operating Schedule, applicants should give careful consideration to the crime and disorder and public nuisance objectives. Relevant representations are more likely in cases where inadequate regard is had to the need to promote these licensing objectives.

In the event that relevant representations are made (so that the application is to be determined by the Licensing Sub-Committee) it will be for the Committee to determine whether the proposals made in the Operating Schedule address the issues underpinning the hours requested. As each application will be determined on its own merits, the individual circumstances will vary between each application.

### Wholesale of alcohol

To be excluded from the meaning of “sale by retail” a sale must be made from a premises owned by the person making the sale, or occupied under a lease with security of tenure and for consumption off the premises. In addition, to be excluded, the sales must be sales which are made to:

- ⊙ a trader for the purpose of his trade
- ⊙ to a club for the purpose of that club
- ⊙ to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence
- ⊙ a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.

If an employee were buying alcohol as an “agent” for their employer and for the purposes of their employer’s trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee’s own consumption, this would be a retail sale, and would require a licence.

From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC database online. This will be an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a trade buyer) does not need to register unless they sell alcohol to other businesses. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.

### Mobile, remote, internet and other delivery sales of alcohol

A person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house) unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale is made in, or from it.

The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated for the contract. It will be the premises at this location which needs to be licensed, for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to the purchaser would need to be licensed.

These licensed premises will be subject to conditions including times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

Persons who run premises providing “alcohol delivery services” should notify the relevant Licensing Authority that they are operating such a service in their operating schedule. This ensures that the Licensing Authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their Licensing Authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

## Personal Licences

Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence. Applications should be made to the Licensing Authority for the area in which the applicant is ordinarily resident or, in any other case, may be made to any Licensing Authority.

The Council will grant a personal licence if it is satisfied that:

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

In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a basic disclosure certificate (or equivalent as detailed in the 2003 Act and Regulations).

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

There is no longer an expiry date for personal licences.

Holders of personal licences are reminded of the duty to notify the Licensing Authority who granted the personal licence of:

- ⊙ Any change in his/her name and/or address
- ⊙ Any conviction of a relevant offence, foreign offence or required to pay an immigration penalty.

If you are charged with a relevant offence you must tell the court that you hold a personal licence before the end of your first court appearance. If you are convicted, the court may decide to forfeit or suspend your licence as part of the sentence. We may also review your licence to determine if it needs to be revoked or suspended.

## Temporary Event Notices

Temporary Event Notices authorise “one-off” licensable activities on a premises. There are certain restrictions relating to Temporary Event Notices set out in the Act, the most pertinent of which are set out here.

- ⦿ There are limits on the number of applications that persons and premises can have in a calendar year
- ⦿ Events that will be attended by 499 people or more, including staff and performers, cannot be authorised by a Temporary Event Notice

Applications for Temporary Event Notices must be made using the prescribed form. Applications must be given to the Licensing Authority, Environmental Health and the Police no later than ten working days for a **Normal Temporary Event Notice** before the first day on which the event begins. A **Late Temporary Event Notice** can be given between nine and five working days before the event. Please note there are arrangements for electronic submissions. The working days do not include the day the notice was given, the first day of the event, weekends or bank holidays. Applicants are, however, encouraged to give as much notice as possible. Further details regarding the application procedure and fee payable can be found in the Guidance on Temporary Event Notices on the Breckland Council website.

## Full Variations

An applicant who wishes to make changes to an existing Premises Licence or Club Premises Certificate must do so by making an application to the Licensing Authority to vary their existing authorisation.

A full variation can be used to:

- ⦿ extend the hours during which licensable activities can take place
- ⦿ add licensable activities that may impact on one or more of the licensing objectives
- ⦿ remove or amend conditions that may impact on one or more of the licensing objectives

A variation application should not be used where changes are being made to the building (such as using previously unlicensed parts) that would result in an increase in capacity of the licensed premises. In such cases, the Licensing Authority would expect an application to be submitted for the grant of a new authorisation.

The Licensing Authority would also expect an application for the grant of a new authorisation to be sought in cases where the nature of the licensed premises is being substantially changed, e.g. a restaurant being converted to a nightclub.

If applicants are in any doubt as to whether a variation or grant of an authorisation is required, they are advised to seek the advice of the Licensing Team prior to submitting their application.

## Minor Variations

The minor variations procedure is a route to allow licensees to make an application to the Licensing Authority to make certain minor changes to an existing Premises Licence or Club Premises Certificate, without the need to make a full application to vary the existing authorisation.

Minor variations do not have to be copied to the Responsible Authorities and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.

Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives.

There is no right to a hearing to take place to consider minor variations. Decisions as to whether a minor variation is appropriate will be made by the Licensing Team and officers of the Licensing Authority, whose decision shall be final.

In making such decisions, officers must have regard to any relevant representations received from other persons within the statutory time limit. Representations shall only be regarded as relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

Officers shall also consult, when and if necessary, with the relevant Responsible Authorities. If the Licensing Authority fails to respond to a request for a minor variation within fifteen working days, it is deemed refused. However, the Licensing Authority and applicant may agree that the Licensing Authority retain the fee and treat the undetermined application as if it were a new one. In all other circumstances the fee shall be returned to the applicant.

Where an application for a minor variation is refused and a full variation subsequently applied for, the time limit for processing the full variation shall remain at 28 days.

The Licensing Authority considers the following to be situations in which a minor variation might successfully be sought:

- ⊙ reductions in the hours during which licensable activities may take place
- ⊙ reductions in opening hours
- ⊙ minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location of display cabinets for alcohol within a supermarket or shop
- ⊙ the removal of a licensable activity
- ⊙ the addition of a licensable activity that, in the individual circumstances, shall not impact on the licensing objectives (such as the performance of plays)
- ⊙ adding conditions to an authorisation that will assist in promoting the licensing objectives
- ⊙ amending conditions that are badly worded to make them clearer
- ⊙ removing or amending conditions that are unenforceable
- ⊙ removing conditions that are obsolete

## Relevant Considerations

The Licensing Authority shall consider the following matters when deciding whether a minor variation should be approved:

- ⊙ whether the application increases the capacity for consuming alcohol on the premises
- ⊙ whether access to emergency exits or escape routes shall be blocked by the proposed changes
- ⊙ whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- ⊙ whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective
- ⊙ the proximity of the licensed premises to residential accommodation
- ⊙ conditions volunteered by the applicant to mitigate the effects of any changes
- ⊙ the previous history of the premises
- ⊙ the proximity and density of other licensed premises if customers from these premises may be attracted by the licensable activities being offered
- ⊙ whether the premises is already licensed during that period for other licensable activities

This list is not intended to be exhaustive and cannot anticipate every scenario. Each case shall be determined on its merits.

## Disapplication of Mandatory Conditions for Community Premises

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 created an exemption for the requirement for a Designated Premises Supervisor for community premises, who may make application to the Licensing Authority to apply the alternative Mandatory Condition to their licence.

The alternative Mandatory Condition is that every supply of alcohol under the Premises Licence must be made, or authorised, by the Management Committee.

The term “Management Committee” is defined, in relation to community premises, as a committee or board of individuals with responsibility for the management of the premises. Further information concerning the requirements for a Management Committee is provided below.

The Order defines “community premises” as a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building. It applies also to premises that form part of such buildings.

In most cases it should be clear whether premises meet the “community premises” definition for this part of the Act. However, if there is any doubt, the Licensing Authority will consider each case on its own merits, with primary consideration being given as to how the premises are predominantly used.

Premises that are genuinely made available for community benefit most of the time, accessible to a wide range of sectors of the local community, and used for purposes beneficial to the community as a whole are likely to meet the definition. This could feasibly include educational premises, such as school halls, but only where they are genuinely and widely used for the benefit of the community as a whole, and not just for the particular school in question. Community premises are usually multi-purpose and a variety of activities can be expected to take place in them, such as playschools, senior citizens’ clubs, indoor sports, youth clubs and public meetings.

The fact that a school or private hall is made available for hire by the community would not in itself be sufficient to qualify the premises as “community premises”. Though this may be provision of a service to the community, the Licensing Authority will consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.

Generally, premises whose use is restricted to members of a club or association would not be classed as “community premises” for the purposes of the Act. However, the hire of the premises to individual organisations and users who restrict their activities to their own members and guests would not necessarily conflict with the status of the premises as “community premises”, provided the premises are generally available for use by the community in the sense described above.

Qualifying clubs, who are entitled to seek a Club Premises Certificate to supply alcohol to their Members, should not instead seek a Premises Licence with the disapplication of the usual Mandatory Condition to have a Designated Premises Supervisor.

The Licensing Authority must be satisfied that the arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.

The Licensing Authority expects the Management Committee to be a formally constituted, transparent and accountable management committee or structure. The Committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee’s key officers e.g. the Chair, Secretary, Treasurer.

Applicants must explain how the premises are managed, its committee structure and how alcohol sales will be supervised in different situations (e.g. when the hall is hired to private parties). They should also describe how responsibility is determined in individual cases and how issues arising are discussed and reviewed within the committee procedure. Copies of any constitution or other management documents must be provided, together with names of key officers such as the Chair, Secretary and Treasurer.

Where the management arrangements are less clear, the Licensing Authority may ask for further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application. Community premises may wish to check with the Licensing Authority before making an application.

The management committee is strongly encouraged to notify the Licensing Authority if there are key changes in the committee's composition e.g. to the Chair, Secretary or Treasurer, and to submit a copy to the Chief Officer of Police. Failure to do so may result in a review of the Premises Licence.

The Management Committee will be collectively responsible for ensuring compliance with licence conditions and the law, and may remain liable to prosecution for one of the offences in the Licensing Act. Even in cases where a member of the Management Committee is not present during licensable events. Management Committees are strongly advised to provide hirers with a written summary of their responsibilities under the 2003 Act in relation to the sale of alcohol. In such cases, the Management Committee is likely to be treated as having taken adequate steps to avoid liability to prosecution if a licensing offence is committed.

In exceptional circumstances, the Chief Officer of Police can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority and/or other person can seek reinstatement of the mandatory conditions through a review of the licence. The Police will consider any history of incidents at an establishment in light of the actual or proposed management arrangements including the use of appropriate hire agreements. If the Chief Officer of Police issues a notice seeking the refusal of the application to include the alternative licence condition, the Licensing Authority must hold a Licensing hearing in order to decide whether to grant the application.

## Enforcement and Monitoring

This Part outlines in general terms the Licensing Authority's approach to licensing enforcement.

The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to businesses to achieve compliance.

Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the night time economy is to prevent problems from occurring before they begin.

However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:

- ⊙ take no action
- ⊙ verbal or written advice
- ⊙ verbal warning
- ⊙ written warning
- ⊙ mediation between licensees and residents
- ⊙ simple caution
- ⊙ prosecution

These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.

The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other Responsible Authorities under the Act, or working with colleagues from other Council departments or outside agencies.

The Licensing Authority has an Enforcement Policy under which all of its monitoring and enforcement practices operate. This enforcement policy follows the principles of the Enforcement Concordat. Enforcement of the legislation is objective and transparent.

The Licensing Authority will need to be satisfied that premises are being run in accordance with the provisions of the Act and any conditions attached to the Premises Licence or Club Premises Certificate. To achieve this, the Licensing Authority will make full inspections of premises, carry out covert visits and carry out general monitoring of areas known to be a problem, or to have been a problem.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. Full premises inspections will not be undertaken routinely, and the frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying low public safety, crime and disorder or public nuisance risks.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

Before deciding which course of action to take, the Licensing Authority shall consider the following matters:

- ⊙ the history of the premises
- ⊙ the history of the offender
- ⊙ the offender's attitude
- ⊙ the circumstances of the offence
- ⊙ Whether the offender has a statutory defence to the allegations
- ⊙ the impact or potential impact of the breach on the public
- ⊙ the quality of the evidence against the offender
- ⊙ the likelihood of achieving success in a prosecution
- ⊙ the likely punishment that will be incurred if the case goes to Court
- ⊙ whether the course of action proposed is likely to act as a deterrent
- ⊙ whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others

Additionally, Responsible Authorities and Other Persons may seek a review of a Premises Licence if they feel the licensing objectives are not being properly upheld, and there are powers to close certain problem premises.

## Reviews

At any stage following the grant of a premises licence, a responsible authority, or other person, may ask the council to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

In every case, the application for review must relate to a particular premises for which a licence is in existence and must be relevant to the promotion of the four licensing objectives. For further information contact the licensing team.

## Licence Fees

The Licensing Authority will suspend a premises licence or club premises certificate if the annual fee is not paid when it is due – this is a Statutory requirement. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases there is a grace period of 21 days. This period is intended to allow the Licensing Authority or licence/certificate holder an opportunity to resolve the matter. If the matter is not resolved during this 21 day period, the licence or certificate will be suspended.

Should a certificate or licence be suspended, the Licensing Authority will notify the holder in writing specifying the date on which the suspension takes effect.

A suspension will cease to have effect on the day on which the Licensing Authority received payment of the annual fee.

The Licensing Authority will notify Norfolk Constabulary Licensing Team of the suspension and lifting of the suspension.

## Modern Slavery/Human Trafficking

Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

Licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

Is the victim in possession of a passport, identification or travel documents? Are these documents in the possession of someone else?

Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?

Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?

Does the victim receive little or no payment for their work? Is someone else in control of their earnings?

Was the victim forced to perform sexual acts?

Does the victim have freedom of movement?

Is the victim under the impression they are bonded by debt or in a situation of dependence?

Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?

Can the victim freely contact friends and family? Do they have limited social interaction or contact with people outside their immediate environment?

Report something suspicious you spot to the Police or other authorities – it could be at a licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed or unkempt, or a young person repeatedly being brought to a hotel by another person for short periods of time.

If there is an immediate danger to the suspected victim or you think the suspected victim is under 18, inform the Police and call 999 as a matter of urgency.

Please call the Modern Slavery 24 hour confidential referral helpline on 0800 0121700 anytime to refer a victim of trafficking or receive advice. Further information can be found at <https://www.modernslaveryhelpline.org>

## Films

Breckland Council, as the Licensing Authority, is the responsible authority for authorising the public exhibition of films. Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself. As such the admission of children to the exhibition of any film(s) must be restricted in accordance with:

- ⦿ EITHER the BBFC classification;
- ⦿ OR where the film is not classified by the BBFC, any recommendations made by the Licensing Authority.

Where premises seek or intends to exhibit film(s) that venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

The definition of children is any person under the age of 18 years.

Under the Licensing Act 2003, the definition of the exhibition of a film is the exhibition of moving pictures.

In summary, the public exhibition of all films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

The Licensing Authority when authorising film(s) shall at all times take into account the Guidance issued under Section 182 of the Licensing Act 2003 (the National Guidance).

The Licensing Authority may be requested to authorise a film that has already been classified by the British Board of Film Classification (BBFC) in two different circumstances:

- ⦿ A distributor of a film may appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and
- ⦿ An independent party may request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions).

In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This normally occurs in the following cases:

- ⦿ A film festival covering a specific period of time
- ⦿ A one off screening of a film
- ⦿ A trailer for a film

The Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the licensing objectives.

Under the Licensing Act 2003, the Licensing Authority must carry out its functions with a view to promoting the licensing objectives. In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.

## Protection of children from harm

Paragraph 2.21 of the National Guidance states:

*The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing Authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.*

## Principles in determining applications

The BBFC classifies films in accordance with its published Guidelines, which are based on extensive research into public opinion and professional advice.

The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted.

It will therefore use this system, and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.

Where a licensed premises seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film. As such the procedures outlined later will be followed.

The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. Material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.

Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within Breckland Council's district and does not affect the authorisation or recommendations in any other district.

Once authorised by the Licensing Authority a film will be authorised for a particular showing or festival only subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the authorisation, including any recommendations, shall be available from the Licensing Team and listed on the Council's website.

The issue of any authorisation by Breckland Council is strictly limited to the authorisation within the Breckland District and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.

The Licensing Authority will consider each authorisation on its own merit and may impose additional and more specific recommendations where it deems appropriate to promote the Protection of Children from Harm Licensing Objective. Suggested conditions for inclusion are included at **Appendix 1**.

Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence. The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.

Where the Licensing Authority has determined to refuse authorisation of a film(s) clear and concise reasons shall be given.

### Procedure for authorisation requests for approval of films already classified by the BBFC

Applications for authorisation of films already classified by the BBFC shall be referred to and determined by the Licensing Sub-Committee on behalf of the Licensing Authority.

Applications should be submitted on the Licensing Authority's application form obtained from Licensing Team, Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE. All requests shall be accompanied by the film(s) where possible in playable format to avoid delays, the cost to be borne by the applicant. This will allow the Licensing Sub-Committee time to view and authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted on the Licensing Authority's application form a minimum of **28 days** before the proposed screening.

Where an individual or organisation not connected with the film(s) requests re-classification of a BBFC classified film, they are not expected to provide a copy of the film(s). The Licensing Authority will then make suitable arrangements to view the film. It is also accepted that in these circumstances, it may not be possible to give **28 days'** notice before the proposed screening.

All requests must be accompanied by detailed reasons for the request. Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.

The Sub-Committee will then view the entire film and assess it against the BBFC guidelines and National Guidance. The Sub-Committee shall issue a Notice of Determination of the authorisation within five working days from the date of viewing. The Licensing Authority will then formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).

Requests must be relevant to the protection of children from harm licensing objective and not frivolous, vexatious or repetitive. Requests may also be relevant to the prevention of crime and disorder licensing objective but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.

Where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unaccompanied by an adult.

In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority suggests e.g.:

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

Or

**"Persons under the age of [insert appropriate age] can only be admitted to the programme if accompanied by an adult"**

## Procedure for authorisation of films which have not been classified by the BBFC or Breckland Council

Applications for authorisation will in the first instance be considered by officers under delegated powers. Any request to authorise an unclassified film may, however, be referred by the Licensing Team or at his/her discretion to the Licensing Sub Committee for determination.

Applications should be submitted on the Licensing Authority's application form a minimum of **28 days** before the proposed screening. If less than 28 days' notice is provided no request to review an officer decision upon the application will be considered. Application forms may be obtained from Licensing Team, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE.

An application for authorisation should include the following information:

- ⊙ the film maker;
- ⊙ such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
- ⊙ any existing classification issued by an existing classification body, whether within or outside the UK;
- ⊙ a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
- ⊙ if known, a legitimate and legal internet site where the film or a portion of the film is available to view without charge;
- ⊙ any proposals on age restrictions for viewing the film that the applicant intends to impose; and
- ⊙ details of how age restrictions will be enforced.

Where officers, at their discretion, determine it is possible to formulate recommendations to the licence holder in relation to the exhibition of the film on the basis of this information, recommendations may be made on this basis alone.

The Licensing Team may, at their discretion, request a copy of the film(s) on DVD format, the cost to be borne by the applicant. If DVD format is not possible, the Licensing Team may agree to arrange for a suitable venue to view the film(s).

The Licensing Team, whilst viewing the film(s), may have regard to BBFC Guidelines and shall, where possible, issue a Notice of Determination of the application within five working days from the date of the viewing.

When considering all such requests the Licensing Team will pay particular attention to the Protection of Children from Harm Licensing Objective.

Where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unaccompanied by an adult.

In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority suggests this example:

**“Persons under the age of *[insert appropriate age]* cannot be admitted to any part of the programme”**

Or

**“Persons under the age of *[insert appropriate age]* can only be admitted to the programme if accompanied by an adult”**

In order to ensure the promotion of the Protection of Children from Harm and Prevention of Crime and Disorder licensing objectives, the Licensing Authority will formally advise the licence holder and applicant of any recommendation(s) on the restriction on the age of access for children to the film(s). This may also include any relevant notices required to be displayed by the licence holder inside and outside the premises. The licensed premises hosting the exhibition of film will be expected to comply with these recommendations.

Where requests are made to the Licensing Authority to exhibit a film(s) to be shown to persons 18 and over the licence holder will be required to display in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film(s) but has not viewed it. This statement should be incorporated within any promotional literature and on any relevant website including, where relevant, the licence holder's website.

The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally override this principle - as such requests shall not normally be refused. However, in all cases the Licensing Authority will expect the applicant to follow the BBFC's Guidelines for 18 and R18 restricted films.

Save where less than 28 days' notice of the application is given, the applicant will have a right to request a review of the Licensing Officer's decision by the Licensing Sub Committee.

### Exemptions for the showing of films

***The provision of the exhibition of a film(s) is exempt from regulation by the Licensing Act 2003 if:***

EITHER:

It consists of, or forms part of, an exhibit put on show for any purposes of a museum or art gallery (the Licensing Act 2003 does not define a museum or art gallery so the ordinary meaning of the term is taken)

OR:

Its sole or main purpose is to:

- ⊙ demonstrate any product,
- ⊙ advertise any goods or services (excluding the advertising of films), or
- ⊙ provide information, education or instruction

## Appendix 1 Responsible Authorities

The Chief Officer of Police  
c/o Norfolk Constabulary Licensing Team  
Bethel Street Police Station  
Bethel Street  
Norwich  
Norfolk NR2 1NN

licensingteam@norfolk.pnn.police.uk

The Chief Fire Officer  
c/o Norfolk Fire & Rescue Service  
Norwich Road  
Thetford  
Norfolk IP24 2HT

thet@fire.norfolk.gov.uk

Planning Department  
Breckland Council  
Elizabeth House  
Walpole Loke  
Dereham  
Norfolk NR19 1EE

planning@breckland.gov.uk

**Environmental Health**  
Health & Safety Team  
Breckland Council  
Elizabeth House  
Walpole Loke  
Dereham  
Norfolk NR19 1EE

foodandsafety@breckland.gov.uk

### OR

Health and Safety Executive  
Rosebery Court  
2<sup>nd</sup> Floor  
St Andrew's Business Park  
Norwich  
Norfolk NR7 0HS

Environmental Health  
Environmental Protection Team  
Breckland Council  
Elizabeth House  
Walpole Loke  
Dereham  
Norfolk NR19 1EE

Environment.Protection@breckland.gov.uk

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

nscb@norfolk.gov.uk

Home Office (Immigration Enforcement)  
Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

Alcohol@homeoffice.gsi.gov.uk

Norfolk Trading Standards  
Norfolk County Council  
County Hall  
Martineau Lane  
Norwich  
Norfolk NR1 2UD

trading.standards@norfolk.gov.uk

Director of Public Health  
Norfolk County Council  
7<sup>th</sup> floor  
County Hall  
Martineau Lane  
Norwich  
Norfolk NR1 2DH

licensingapplications@norfolk.gov.uk

## Appendix 2 Guide for Operating Schedule Conditions

When applicants are completing their operating schedules consideration needs to be given to the promotion of the licensing objectives. The individual circumstances of the premises are to be taken into account such as the nature/style of the venue, the activities being conducted there, the location and the anticipated clientele.

Measures the applicant intends to take will be incorporated into the premises licence as conditions. They will be enforceable under the law and any breach could give rise to prosecution. Conditions that are imprecise or difficult to enforce should be avoided. Conditions replicating offences under the Licensing Act 2003 are unnecessary.

Below are some areas to consider when completing your operating schedule but these are not exhaustive. You may wish to seek specialist advice from the appropriate Responsible Authorities.

**Please Note: These are not standard conditions and may not apply in all cases.**

### Licensing Objective: Prevention of Crime and Disorder

#### Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- ⊙ preventing the admission and ensuring the departure from the premises of the drunk and disorderly without causing further disorder
- ⊙ keeping out excluded individuals (subject to court bans or imposed exclusion by the licence holder)
- ⊙ searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
- ⊙ maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence (which means that they would have to be registered with the Security Industry Authority), conditions may also need to deal with:

- ⊙ the number of such supervisors;
- ⊙ the displaying of name badges;
- ⊙ the carrying of proof of registration;
- ⊙ where, and at what times, they should be stationed on the premises; and
- ⊙ whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

#### Bottle bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs, as the openings may be readily covered. These issues therefore need to be carefully balanced.

#### Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries.

The location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of outdoor sports

grounds may be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events - such as international football matches when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

## CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises.

Conditions should not just consider a requirement to have CCTV on the premises, but also the precise citing of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments with advice on the use of CCTV to prevent crime when preparing operating schedules.

## Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere.

Where premises are licensed for the sale of alcohol for consumption “off” the premises, this would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This again may be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

## Restrictions on Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

## Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions that set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence.

Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

## Proof of Age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them.

To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. This should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports.

## Challenge 25

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 25” or similar initiatives. Under the “Challenge 25” initiative, those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 25 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

## Crime prevention notices

It may be necessary at some premises for notices to be displayed, which warn customers of the prevalence of crime that may affect them.

Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed that advise customers not to leave bags unattended because of concerns about terrorism.

Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

## Drinks promotions

Conditions tailored to the individual circumstances of particular premises which address **irresponsible** drinks promotions may be permissible provided they are appropriate for the promotion of the licensing objectives. Judgements may be subjective, and on occasions there will be a very fine line between responsible and irresponsible promotions, but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

## Signage

It may be necessary for the normal hours (under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place) to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would be clear and may deter those who might seek admission in breach of those conditions.

## Staff training

Bar staff could receive suitable training to prevent the sale of alcohol to under 18's and to people who are intoxicated. Staff could also monitor who is consuming alcohol to prevent under 18's from doing this.

## Licensing Objective: Public Safety

It should be noted that conditions should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including 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 these risks.

From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced the previous Fire Safety legislation. The Licensing Authority notes that under Article 43 of the Order, any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are, or could be imposed by the order, have no effect. This means that the Licensing Authority will not seek to impose fire safety conditions where the order applies.

Conditions enforcing those requirements would therefore be unnecessary.

## General

Please note that special issues may arise in connection with outdoor and large-scale events. Please request a copy of the “Event Safety – a Guide for Organisers” guidance produced by Breckland Council.

Appropriate conditions for the licence or certificate will also depend on the premises. In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules should consider:

- ⊙ Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- ⊙ The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- ⊙ Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- ⊙ 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- ⊙ The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- ⊙ Safety Guidance for Street Arts, Carnival, Processions & Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through <https://outdoorartsuk.org/product/safety-guidance-for-street-arts-carnival-processions-and-large-scale-performance/>

## Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- ⊙ When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- ⊙ Disabled people on the premises are made aware of those arrangements

## Escape routes

It may be appropriate to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- ⊙ All exit doors are easily openable without the use of a key, card, code or similar means;
- ⊙ Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- ⊙ Any security fastenings are removed prior to the premises being open to the public;
- ⊙ All fire doors are maintained effectively self-closing and shall not be held open;
- ⊙ Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- ⊙ The edges of the treads of steps and stairways are maintained so as to be conspicuous.

### Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⊙ Safety checks are carried out before the admission of the public; and
- ⊙ Details of such checks are kept in a Logbook.

### Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⊙ Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- ⊙ The licence holder, a club official, manager or Designated Premises Supervisor should be aware of the number of people on the premises and is required to inform any authorised person upon request.

### Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that access for emergency vehicles is kept clear and free from obstruction.

### First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⊙ Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- ⊙ If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

## Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- ⦿ Fire safety signs are adequately illuminated.
- ⦿ Emergency lighting is not to be altered without the consent of the Licensing Authority.
- ⦿ Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- ⦿ In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

## Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work.
- ⦿ Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- ⦿ Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

## Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ The premises are effectively ventilated.
- ⦿ Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- ⦿ Ventilation ductings are kept clean.
- ⦿ Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

## Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- ⦿ Where a ring is involved, it is constructed and supported to the satisfaction of the Licensing Authority and any material used to form the skirt around the ring is flame-retardant.
- ⦿ At any wrestling or other entertainments of a similar nature, members of the public do not occupy any seat within 2.5 metres of the ring.
- ⦿ At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

## Outdoor drinking areas

If premises have an outdoor area such as a beer garden or have tables and chairs on the pavement you may wish to consider shatterproof or plastic glasses or patrons could be restricted from taking bottles into that area. Regular glass and bottle collections could be undertaken throughout the premises.

## Licensing Objective: Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990, Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a Senior Police Officer to close down instantly (for up to 24 hours) licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

### General

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Appropriate conditions for licences and certificates will also depend on the premises.

### Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. This must be balanced by the potential impact on disorder that may result from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

### Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- ⊙ Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- ⊙ Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- ⊙ The use of explosives, pyrotechnics and fireworks of a similar nature that could cause disturbance in surrounding areas are restricted.
- ⊙ The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

### Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- ⊙ Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

### Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- ⊙ Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

### Litter

Consideration should be given to facilities for depositing litter and the collection of litter generated by customers. This could include a condition that at the close of business all litter attributable to the business which is in the vicinity of the premises will be removed.

## Licensing Objective: Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the Authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

### Access for children to licensed premises – general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is appropriate to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by Licensing Authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- ⊙ For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
  - Explain their reasons; and
  - Outline in detail the steps that they intend to take to protect children from harm on such premises.

- ⊙ For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00pm in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.
- ⊙ In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to the premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

### Age restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place applicants should consider a range of conditions that are to be tailored to the particular premises and their activities where these are appropriate.

Examples are:

- ⊙ The times of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- ⊙ Types of event or activity in respect of which no age restrictions may be needed, for example family entertainment or non-alcohol events for young age groups such as under 18s dances.
- ⊙ Similarly, types of event or activity which gives rise to a more acute need for age restrictions than normal, for example during "Happy Hours" or on drinks promotion nights or during activities outlined above.

### Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Section 4 of the Video Recordings Act 1984 or by the Licensing Authority itself, conditions restricting the admission of children to film exhibitions should include:

- ⊙ A condition that where the Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- ⊙ A condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:
  - U – Universal. Suitable for audiences aged four years and over
  - PG – Parental Guidance. Some scenes may be unsuitable for young children.
  - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
  - 15 – Passed only for viewing by persons aged 15 years and over.
  - 18 – Passed only for viewing by persons aged 18 years and over.
- ⊙ That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

- ⊙ A condition that when a Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

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

**Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme**

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

### Specimen recommendations in relation to films authorised for exhibition:

- ⊙ The Age Recommendation e.g.:

**“Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme”**

Or

**“Persons under the age of [insert appropriate age] can only be admitted to the programme if accompanied by an adult”**

- ⊙ That the premises licence or club premises certificate holder adopts a suitable management policy and procedure to monitor and enforce the recommendations on age restrictions.
- ⊙ That the premises licence or club premises certificate holder display in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film(s) for viewing by people aged [INSERT APPROPRIATE AGE] and above, but has not necessarily viewed it.
- ⊙ That the age restriction applying to the exhibition of the film be incorporated within any promotional literature and on any relevant website including where relevant the licence holder or exhibitor’s website.

## Appendix 3 Delegation of functions

Matter to be dealt with	Licensing Committee	Premises/Personal Licence Sub Committee	Officers
Application for Personal Licence		If a Police objection	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for minor variation			All cases
Application to vary Designated Premises Supervisor		If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection	All other cases
Applications for Interim Authorities		If a Police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a Temporary Event Notice		All cases	
Determination of application to vary a premises at a community premises to include alternative licence condition		If a Police objection	All other cases
Decision whether to consult other Responsible Authorities on a minor variation application			All cases

## Appendix 4 Other Statutory Requirements

In undertaking its licensing function the Licensing Authority is also bound by other legislation including but not limited to:

- ⊙ [Section 17 of the] Crime and Disorder Act 1998 – requiring a Local Authority to do all that it reasonably can to prevent crime and disorder in its decision-making process
- ⊙ Human Rights Act 1998 - giving effect to the European Convention on Human Rights which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
- ⊙ Health & Safety at Work etc Act 1974 and subsidiary regulations – providing for minimum standards of health, safety and welfare of workers and protect against risks to health and safety from workplace activities
- ⊙ Environmental Protection Act 1990 – providing for improved control of pollution arising from the environment, e.g. waste, statutory nuisance and litter to enable enforcement to minimum environmental standards
- ⊙ Food Safety Act 1990, subsidiary regulations and EC Food Hygiene Regulations – governing minimum safety standards for food preparation, labelling and advertising
- ⊙ Anti-Social Behaviour Act 2003 – providing for methods of dealing with and taking legal enforcement action against anti-social behaviour
- ⊙ Anti-Social Behaviour, Crime & Policing Act 2014 – reform of powers to deal with anti-social behaviour, litter, vandalism, drunkenness, aggressive dogs, noisy and abusive neighbours
- ⊙ The Clean Neighbourhoods & Environment Act 2005 – provides more effective powers to tackle poor environmental quality and anti-social behaviour
- ⊙ The Gambling Act 2005 – provisions relating to regulation of gambling activities
- ⊙ The Noise Act 1996 – provisions about night time noise, forfeiture and confiscation of equipment used for emitting such noise
- ⊙ The Violent Crime Reduction Act 2006 – provisions for reducing and dealing with alcohol abuse, firearms and ammunition, knives/other weapons and changes to earlier laws
- ⊙ The Policing and Crime Act 2009 - provisions amending regulation of lap-dancing clubs, police powers to deal with young persons drinking in public, new mandatory Code of Practice for alcohol sales, and changes to criminal asset recovery
- ⊙ The Regulatory Reform (Fire Safety) Order 2005 – provision to reform law relating to fire safety in non-domestic premises, replacing fire certification under the Fire Safety Act 1971, placing responsibility on individuals within an organisation to carry out risk assessments to identify, manage and reduce the risk of fire
- ⊙ The Police Reform and Social Responsibility Act 2011 – provisions about administration and governance of police forces; licensing and imposition of late night levy relating to alcohol, repealing provisions about alcohol disorder zones, provisions controlling harmful drugs
- ⊙ The Legislative and Regulatory Reform Act 2006 – provisions about regulatory activities and interpretation of European law
- ⊙ The Health Act 2006 – legal obligation to protect employees and the public from the harmful effects of second-hand smoke in virtually all enclosed public places, workplaces and public and work vehicles in England
- ⊙ The Provision of Services Regulations 2009 (SI 2009/2999) – provisions enacting European Directive 2006/123/EC, relating to online applications for licences

- ⊙ The Local Government Act 1972 – provisions enabling byelaws to be made by Local Authorities for the good rule and government of all or part of an area and for the prevention and suppression of nuisance
- ⊙ The Local Government and Public Involvement in Health Act 2007 – provisions relating to creation of byelaws
- ⊙ The Local Government Act 2000 and the Localism Act 2011 – provisions creating a general power of competence to Local Authorities (in replacement of the general well-being powers in Local Government Act 2000)
- ⊙ The Government's Alcohol Strategy 2012 – a government paper outlining proposals for dealing with alcohol licensing
- ⊙ Live Music Act 2012 – provisions relating to licensing of the performance of live music entertainment
- ⊙ Equality Act 2010 – places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons with different characteristics, e.g. disability, race and religion.
- ⊙ Children Act 2004 – places a statutory obligation to ensure robust mechanisms are in place for safeguarding arrangements.
- ⊙ Immigration Act 2016 – Section 36 and Schedule 4 amend the Licensing Act 2003 to introduce safeguards in respect of licensing applications after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.