

# **Licensing Act 2003**

## **Statement of Licensing Policy 2025**

### **Breckland Council**

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## Foreword

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

Thank you for your interest in our licensing policy.

Breckland Council is the Licensing Authority under the Licensing Act 2003 ('the Act') 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 people (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 Authority works in partnership with the other Responsible Authorities to promote the four licensing objectives which underpin the Licensing Act 2003.

In adopting this policy, the Licensing Authority recognises its role in delivering the Strategic vision of the Council.

"Inspiring Communities" – the Licensing Authority acknowledges the importance of well-run entertainment and leisure premises, which enable our communities to remain safe and healthy.

"Thriving Places" – the Licensing Authority will use its enforcement powers to support confidence in the businesses that operate in Breckland and protect the quality of our places.

"Working Smarter 2035" – the Licensing Authority recognises the benefits of continually improving our services so we can provide an efficient and well-run licensing service delivered in a sustainable way.

The Licensing Authority 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.

I would ask you contact the Licensing Team for advice and assistance or to discuss issues relating to the Licensing Act 2003.

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



## **Part 1 - Introduction and Purpose**

Part 1 explains the nature and status of the Council's Statement of Licensing Policy (the 'Policy') and under what circumstances future changes may be made to the Policy.

This Policy provides information and guidance to applicants, licence holders, Responsible Authorities and other persons on the general approach the Licensing Authority will take when making licensing decisions and carrying out its responsibilities under the Licensing Act 2003.

In preparing this Policy, the Licensing Authority had regard to the Licensing Act 2003 (as amended) ("the Act") and to Guidance issued by the Home Office under Section 182 of the Act.

In this Policy, the term "Licensing Authority" is used where the Council is carrying out its licensing functions under the Act. The term "Council" is used when concerning Breckland Council's broader remit and responsibilities.

In summary, the Licensing Authority's core functions are:

- Setting a local framework through this Licensing Policy
- To consider applications with a view to promoting the Act's licensing objectives (described below)
- To undertake compliance and enforcement activities to ensure conditions and terms of licences and other permissions are being met
- To maintain a register of all licensed premises, activities and individuals.

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

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

This Policy does not purport to give a definitive statement of the law, this being a matter for the Courts. Nor should this Policy be taken to indicate that any requirement of licensing law or any other law may be overridden.

This Policy does not seek to undermine the right of an individual to apply under the Act for any permission and to have any such application considered on its own merits. This Policy does not seek to override the right of any person under the Act to make representations to the Licensing Authority regarding an application, or to seek a review of a licence or certificate issued by the Licensing Authority.

### **Commencement and Duration**

This Policy will come into effect on 6 January 2026, having been adopted by Full Council on 9 October 2025. This Policy will apply until 5 January 2031.

## **Consultation**

Before adopting this Policy, the Licensing Authority consulted the persons specified in Section 5(3) of the Act, as below:

- The Chief Officer of Police
- The Fire and Rescue Authority
- The Director of Public Health
- Persons/bodies representative of holders of local premises licences, personal licences and club premises certificate holders
- Persons/bodies representative of businesses and residents in the District.

The consultation took place for a period of 12 weeks from 6 June 2025 to 31 August 2025. The views of all the persons or bodies who made consultation responses were given appropriate weight in determining this Policy.

## **Changes to the Licensing Policy**

We will monitor the effectiveness of this Policy in promoting the licensing objectives and consider further reviews or make revisions where we consider it appropriate to do so. Where it is necessary to make minor and non-material changes to this Policy (e.g. to update website links, correct misspellings, update email or postal addresses) this may be done without consultation by the Manager of the Licensing Team in consultation with the Chair of the Licensing Committee. A record of any changes made will be kept and made available upon request at any reasonable time.

Where new legislation, new or revised national or local policy or developments affecting the local area impact on the relevance or material application of this Policy, we will consult with the statutory consultees prescribed under the Act prior to making any changes.

Where revisions are made to the Licensing Act 2003 and any subordinate legislation, or to the Section 182 Guidance, the Licensing Authority will determine whether revisions to this Policy are appropriate. Readers are advised to consult the [Home Office' website](#) for the latest information.

## Part 2 - Overview of the Licensing Process

Part 2 summarises the Licensable Activities under the Act and explains the role Responsible Authorities play in the licensing regime.

### Licensing Activities

The Licensing Authority regulates the licensing activities prescribed by the Act on licensed premises, at qualifying clubs and at temporary events.

- 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, and
- The provision of late-night refreshment.

Section 192 of the Act defines what is meant by the “sale by retail of alcohol” and the “supply of alcohol by or on behalf of a club, or to the order of a member of a club”. Readers are asked to note that the definition of alcohol includes alcohol “in any state” and includes alcohol in powdered and vapourised form.

There are exclusions from the meaning of “sale by retail” (e.g., in respect of the wholesale of alcohol) and Readers are advised to consult the [Home Office Guidance](#) and [the Act](#) for more information.

### 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.

### Alcohol Delivery Services

An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure:

- That the person they are selling alcohol to is over the age of 18
- That alcohol is only delivered to a person over the age of 18

- That a clear document trail is maintained of the order process from order, dispatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
- A refusals log will be maintained for deliveries and available for inspection on request
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place
- Any delivery driver or third-party courier will be required to have appropriate age verification training, and they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated

Operators are to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk, and in such instances, alcohol should be refused and that refusal recorded.

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.

Definitions of what is meant by “regulated entertainment” and “late night refreshment” can also be found at Schedule 1 and Schedule 2 (respectively) of the Act.

In summary, “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 performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Playing of recorded music
- A performance of dance
- Entertainment of a similar description to a performance of live music, playing of recorded music or a performance of dance

There are several exemptions 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.

In summary, “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 05.00am.



Applicants who wish to provide one or more licensable activity must serve an application or a notice on the Licensing Authority. Information about how to apply for a premises licence, a club premises certificate or to give a temporary event notice can be found on the Council's website.

### **Licensing Objectives**

In undertaking its functions, the Licensing Authority must ensure it promotes the four licensing objectives, as below:

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

The Licensing Authority appreciates that none of the objectives are to be given priority over the others. All have equal importance.

More information about the Licensing Objectives can be found on the [Home Office website](#).

### **Responsible Authorities**

Responsible authorities are public bodies that must be notified of applications and are entitled to make representations about the grant, variation or review of a premises licence or a club premises certificate. Responsible authorities can apply to review premises licences and club premises certificates. The Police and the Council's Environmental Health Department must also be given temporary event notices and may object to such events taking place.

The following organisation/bodies are responsible authorities and may make representations or make an application to review a licence or certificate where appropriate:

- Breckland Council's Licensing Authority
- Norfolk Police
- Norfolk Fire and Rescue Service
- Breckland Council's Planning Authority
- Breckland Council's Environmental Health Department
- The relevant enforcing authority under the Health and Safety at Work etc Act 1974
- Norfolk Trading Standards
- Local Health Board (via the Director of Public Health)
- The Licensing Authority recognises Norfolk Children Safeguarding Partnership as competent to advise it on the protection of children from harm
- Home Office Immigration Enforcement (on behalf of the Secretary of State)

Readers should refer to the Council's licensing webpages for up-to-date contact information for the [responsible authorities](#) (opens in new window) specified under the Act.

Some responsible authorities are also "Authorised Persons" under the Act. They have powers to undertake enforcement activity, have certain rights of entry to licensed premises and can prosecute offences under the Act. For more information, please refer to Parts 3 and 4 and Section 108 of the [Licensing Act 2003](#).

## **Breckland Council's Licensing Authority as Responsible Authority**

The Licensing Authority administers and enforces the Act, but it can also make representations about some applications or call for a review of a premises licence or a club premises certificate. The Act does not require the Licensing Authority to make representations, however, it will do so when it considers it appropriate to do so and in accordance with its duties under Section 4 of the Act.

The Licensing Authority expects other responsible authorities to intervene where the basis for the intervention falls within their remit. It expects other parties to make relevant representations where the grant of a licence or the operation of a licensed premises is of concern.

Where the Licensing Authority is also acting as a responsible authority in relation to the same process, these responsibilities will be kept separate to ensure procedural fairness and transparency, and to avoid conflicts of interest.

## **Part 3 - Our Approach**

Part 3 explains how the Licensing Authority administers the licensing regime and those matters it considers to be paramount in carrying out its duties.

### **General Principles and Aims**

The Licensing Authority recognises that the promotion of the four licensing objectives is always paramount. However, we are aware of the principal aims set out in the Section 182 Guidance issued by the Home Office and which impact on everyone involved in licensing work – these are copied below:

- 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 the night-time economy and act 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 businesses, 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 Licensing 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.

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.

The Licensing Authority expects applicants to consider a variety of factors before making an application, e.g. to risk assess matters such as VAWG (Violence Against Women and Girls), levels of anti-social behaviour, underage drinking, levels of crime in the area, health stats and the location of nearby noise sensitive premises (schools, hospitals, care homes) etc.

## **Decision Making**

The Licensing Authority will have regard to the Licensing Act 2003 and Guidance issued under Section 182 of that Act when making decisions. Each application will be considered on its own merits and in accordance with this Policy. Applicants and Licence Holders are therefore strongly urged to read this Policy and any supporting licensing information and guidance provided by the Licensing Team on the Council's website.

In reaching a decision on whether 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 or certificate by the Licensing Authority does not imply approval of other legislative requirements e.g., lawful planning use/planning permission.

The Licensing Authority is aware that if an application for a premises or club premises certificate has been lawfully made and there have been no representations, it must grant the application, subject only to the conditions consistent with the operating schedule and relevant mandatory conditions.

## **The Role of the Licensing Committee, Sub-Committees and Officers**

The Council established a Licensing Committee to perform its licensing functions under the Act. The Licensing Committee is responsible for considering and proposing the Licensing Authority's Statement of Licensing Policy (this Policy) to Full Council and for taking decisions on specific licensing applications or issues.

Many of the Licensing Committee's functions may be delegated to Sub-Committees or to Officers of the Council. A Licensing Sub-Committee will comprise of any three Elected Members who serve on the Licensing Committee.

In summary, the Council's Licensing Sub-Committees will generally deal with matters concerning the grant of applications or variations where relevant representations are made and not withdrawn. They will deal with objections to Temporary Event Notices, consider reviews of licences or certificates and in cases where the applicant for, or holder of, a Personal Licence has relevant convictions or has received an immigration penalty. Any of these matters may also be dealt with by the full Licensing Committee.

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.

In summary, Officers will generally deal with matters concerning the grant of applications where no relevant representations have been made. Please refer to the Delegation Structure at Appendix 3 for more information.

## **Working in Partnership**

The Licensing Authority works in partnership with neighbouring councils, the Police, and other responsible authorities and local liaison groups to tackle localised issues and to promote the licensing objectives.

The Licensing Team works closely with the Council's Community Safety and Anti-Social Behaviour Team and is an active member of the Norfolk Community Safety Partnership and its various sub-groups.

### **General control of nuisance and anti-social behaviour**

The Licensing Authority recognises it plays a key role in both preventing and controlling alcohol-related crime, antisocial behaviour and public nuisance. These issues generally being most impactful in the evening and night-time economy. The Licensing Authority seeks to ensure the licensing objectives are promoted through well-managed premises and through compliance and enforcement activity.

However, the Licensing Authority is aware that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour of individuals once they are beyond the direct control of the individual, business or club holding the licence, certificate or other authorisation. Where other measures (either within or outside of the licensing regime) are required, the Licensing Authority will work with teams and departments across the Council and in collaboration with external partners, where appropriate, to institute measures to address issues relating to nuisance and anti-social behaviour.

### **Planning and Licensing**

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. Applicants should be aware that the granting of a licence under the Act **does not** negate the need to obtain planning permission.

Where an applicant indicates in their application that they have also applied for planning permission, or intend to do so, efforts will be made to discuss matters relating to the application with the Council's Planning Authority prior to determination. The aim of such discussions being to agree mutually acceptable operating hours and scheme designs.

#### 'Agent of Change' Principle and Licensing:

Readers should be aware that the 'Agent of Change' principle is both a planning principle and a licensing principle. The Agent of Change principle is intended to place the burden of mitigating any 'change' (resulting from a planning application) on the individual or organisation (the 'agent') who is making that application.

The Section 182 Guidance sets out the context of the 'Agent of Change' principle and how it should be considered by planning applicants.

"Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') must provide the local planning authority with suitable mitigation before the development has been completed."

## **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.

## **Crime and Disorder Act**

Under section 17 of the Crime and Disorder Act 1998 the Council is required to promote the prevention of crime and disorder within its area.

The Council works closely with responsible authorities to ensure that the Licensing Objectives are promoted and seeks to ensure that Council decisions are proportionate and appropriate.

The Council will work in partnership with licence holders, local businesses, responsible authorities, Councillors and local people with the aim of promoting the licensing objectives.

The Licensing Authority looks to the Police as the main source of advice on crime and disorder. The Licensing Authority also works with the Norfolk Community Safety Partnership.

## **Other Statutory Requirements**

The Council enforces other statutory requirements that relate to licensed premises. Examples include (note this is not an exhaustive list): 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 and proportionate 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.

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, nor does it constitute any form of recommendation.

## **Cumulative Impact of a Concentration of Licensed Premises**

The Licensing Authority, having regard to the evidence currently available, and being aware of other measures that are available to the Council and the Police to address such issues, considers that there is no 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**

Early Morning Restriction Orders (EMROs) enable a Licensing Authority to prohibit the sale or supply of alcohol for a specified time between the hours of 12:00am (00:00) and 6:00am (06:00) in the whole or part of its area.

The Licensing Authority considers there is currently insufficient evidence to demonstrate that an EMRO is required in the district but will keep the matter under review.

Licensing Authorities may introduce a Late Night Levy (LNL) which would apply to the whole or part of the district to raise a contribution towards the cost of policing the late-night economy. The levy would be payable by the holders of any premises licence or club premises certificate which authorises the sale or supply of alcohol between the hours of 12:00am (00:00) and 6:00am (06:00). The levy may also be applied to premises providing late night refreshment.

The Licensing Authority has chosen not to adopt a Late Night Levy but will keep the matter under review.

## Part 4 - Application Overview and Promoting the Licensing Objectives

Part 4 sets out the main authorisations under the Act. We provide an overview of the application process for licensing a premises or a club and the importance of promoting the Licensing Objectives.

### Authorisations under the Act

There are four types of authorisation under the Act.

- Premises Licence – to use premises for one or more licensable activities
- Club Premises Certificate – to allow a qualifying club to provide qualifying club activities (e.g. the supply of alcohol to its members or guests)
- Temporary Event Notice – can be for any place and allows licensable activities to be carried out on a temporary basis
- Personal Licence – to sell or authorise the sale of alcohol from a premises which holds a premises licence

### Applications relating to a Premises Licence or Club Premises Certificate

This section provides an overview of the application process and requirements for a premises licence or club premises certificate. Please refer to Part 5 for information about applications to vary a premises licence or club premises certificate.

For more detailed information about the application process, including how to access application forms, what fees may apply, and for contact information, please visit the [Council's website](#). Readers may also wish to visit the guidance provided by the Home Office – available here: <https://www.gov.uk/guidance/alcohol-licensing>

**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 a summary explanation of why it is incomplete.**

An application must be made in the prescribed form to the Licensing Authority and copied to each of the responsible authorities. The application must be accompanied by:

- The required fee
- An operating schedule (more details provided below)
- A plan of the premises (which must be clear and legible in all material respects)
- If the application involves the supply of alcohol, a form of consent from the individual who is to be specified as the 'Designated Premises Supervisor'.

### Right to Work

A premises licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.



Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. You can do this in one of two ways:

- By providing paper or scanned copies of the required documents listed within the application form (which do not need to be certified).
- Alternatively, you can provide us with a 'share code' to enable us to carry out a check using the Home Office right to work checking service.

For more information about right to work checks, please refer to the [Home Office online right to work checking service \(opens new window\)](#).

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

### **Plan of the Premises**

Applicants are required to submit plans which are clear and legible in all material respects. Plans should include sufficient detail to enable the Licensing Authority to be able to determine the application – more information is available on the [Council's website](#). Plans should show both the location and the layout of the premises.

### **Completing an Operating Schedule**

The following types of applications require applicants to complete an Operating Schedule:

- Applications for new premises licences and new club premises certificates
- Full variations of premises licences and club premises certificates
- Applications for provisional statements

Operating Schedules set out various details relating to the operation of the premises and must include:

- Which licensable activities are to be carried out
- The proposed opening hours
- The duration of the licence or certificate (if it is to have a fixed duration e.g. for a one-off large-scale event)
- Details of whether alcohol is to be supplied for on-sales, off-sales, or both
- A statement of how the applicant intends to promote the licensing objectives

### **Promoting the Licensing Objectives**

Applicants are expected to have regard to this Licensing Policy, demonstrate knowledge of the local area, and be aware of the expectations of the Licensing Authority and the responsible authorities concerning the steps that are appropriate for the promotion of the licensing objectives.

Applicants should also make their own enquiries about the Breckland area and about the location and character of the premises concerned to inform their application. For example, if an applicant proposes to carry out licensable activities at premises which are in residential areas, or near to residential premises, they should consider what effect this will have on noise management, dispersal of customers (especially at night), and the management of outdoor and smoking areas.

Applicants should, in line with Home Office Guidance, understand:

- “The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate.
- Any risk posed to the local area by the proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.”

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 a variation or in response to changing circumstances/conditions at the premises.

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. The Licensing Authority expects to see evidence of the effective and responsible management of the premises, such as examples of instruction, training and supervision of staff and the adoption of relevant industry best practice.

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.

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. We encourage applicants to consider the matters set out in this Policy (see the promotion of each licensing objective sections below) when completing an Operating Schedule. Readers are asked to note that the matters listed in this section are not exhaustive and will not necessarily apply to all premises types, sizes or uses.

The Authority has developed a pool of conditions which is published on the Council website that applicants may find helpful when completing an Operating Schedule. The pool of conditions covers a wide range of topics that may be of concern to both applicants and responsible authorities, who may be considering making representations about an application. Other persons may also wish to refer to the conditions for information where they are considering making a representation or seeking a review of a premises or certificate.

The steps set out in the Operating Schedule will form the basis of conditions attached to any licence or certificate granted. Should representations be made in respect of an application which are not withdrawn, the Licensing Authority will consider the adequacy of the commitments and steps offered by the Applicant in the Operating Schedule at a licensing hearing.

## **Deciding on Hours**

When completing the Operating Schedule, applicants should carefully consider 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.

If 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.

### **Promotion of the Prevention of Crime and Disorder Licensing Objective**

The Licensing Authority looks to the police as the main source of advice on crime and disorder. We recommend applicants discuss their proposed crime and disorder measures and procedures with the Licensing Team and the Police prior to applying.

Factors that impact on crime and disorder include (these are examples and does not constitute an exhaustive list):

- Underage drinking
- Public drunkenness
- Spiking – more information is set out below
- Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods at premises
- Disorderly and potentially violent behaviour on and outside premises
- Sexual harassment and misconduct and broader violence against women and girls – more information is set out below
- Anti-social behaviour and disorder inside and outside the premises
- Illegal working in licensed premises
- Littering
- Theft and vandalism at premises
- Glasses and bottles being used as weapons or causing accidents

The Licensing Authority had regard to crime data when formulating this Policy. Where the Licensing Authority is aware of worsening levels of crime (including alcohol-related crime and disorder), as well as anti-social behaviour, underage drinking and levels of violence against women and girls, among other matters which impact on the crime and disorder licensing objective, this Policy will be reviewed and information relevant to the licensing objective may be changed or updated.

Applicants should propose steps targeted on deterrence and preventing crime and disorder. Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.

Applicants should consider measures to deter crime and disorder outside or near to the premises and which are connected to it – this may include the 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.

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 expects applicants to propose steps to control excessive consumption and drunkenness on the premises. This will reduce the risk of anti-social behaviour occurring on the premises and away from the premises after customers have departed.

Applicants proposing to sell 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

Applicants should 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. Where the law permits, authorisation for any form of regulated entertainment will be subject to conditions to prohibit entertainment which is likely to lead to disorder, incite hatred or violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

Where late night refreshment is to be provided as the only or main licensable activity (e.g. late-night takeaways), applicants should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises.

### **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:

- **Alternative to glass bottles and glasses** – venues that provide the sale of alcohol on the premises should consider introducing toughened or safety glass. This is especially relevant to premises that would be considered as carrying a higher degree of risk – for example high volume vertical drinking establishments, such as night clubs or large bars with minimal seating, and where patrons are expected to stand while drinking. Applicants may also wish to ban bottles being taken into and/or supplied on the premises.
- **CCTV** - Using CCTV inside and/or outside the premises together with appropriate procedures and staff training for the maintenance and operation of such systems, including data handling.
- **Violence Against Women and Girls** – venues should have clear policies in place for the prevention, detection and reporting of sexual harassment, misconduct and violence against women and girls. Applicants should consider adopting or joining initiatives such as Ask for Angela: <https://askforangela.co.uk/>
- **Metal detection and search facilities**
- **Dispersal Procedures** – Establishing appropriate dispersal procedures so as to minimise the potential for crime and disorder when customers are leaving the premises. Procedures could include playing quieter music and promoting non-alcoholic drinking towards the end of the night or event.
- **Dealing with and reporting Crime and Disorder** – Having clear policies and procedures in place for the recording and reporting of incidents and crimes. Such policies and procedures may include to ban known offenders and to share information with other licensed premises in the area.
- **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 entry policies, 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).
- **Drinks Promotions** - Procedures for risk assessing drinks promotions such as “happy hours” and plans for minimising such risks.
- **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.
- **Making alcohol sales** – written authorisation of staff who may make alcohol sales.
- **Getting home safely** – ensuring adequate lighting outside of the premises and 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, where these are operating.
- **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.
- **Admissions** – have clear admission policies for entry to the premises, which could include bag searches, age restrictions and ID verification, and last admission.
- **Underage Drinking** – Adopting appropriate policies on underage drinking and prominently displaying a copy of the policy (or a summary) within the premises. Applicants are expected to follow any guidance in relation to age verification checks issued by the Home Office in this regard – current Home Office guidance is available here: <https://www.gov.uk/government/publications/false-id-guidance>
- **Following Best Practice** - Adopting best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Clubbing against Racism and other voluntary Codes of Practice, including those relating to drinks promotions.

## Spiking

Spiking can take many forms. Applicants should be aware of the types of spiking which can occur and consider measures to prevent incidents in their premises.

The Home Office has set out examples of the range of behaviours that would be considered spiking (the list is not exhaustive), these include:

- “Putting alcohol into someone’s drink without their knowledge or permission.
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission.
- Injecting another person with prescription or illegal drugs without their knowledge or permission.
- Putting prescription or illegal drugs into another person’s food without their knowledge or permission.
- Putting prescription or illegal drugs into another person’s cigarette or vape without their knowledge or permission.”

To support licensed premises, several industry associations produced a factsheet which includes recommendations and some resources for the hospitality sector on how to respond to and prevent spiking. Applicants are advised to consider this information and disseminate to their managers and staff. The fact sheet can be found here:

[www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention](http://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention)

### **Designated Premises Supervisors [DPS]**

Within the operating schedule for premises from which alcohol will be sold, except for 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 direct 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 and compliance.

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. The Licensing Team has produced a sample form which may be used for this purpose, which is available upon request.

### **Promotion of the Public Safety Licensing Objective**

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 Licensing Authority expects applicants to take a proactive approach to customer safety – 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) and 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** – Making provision to ensure that customers and visitors to the premises are protected and supported, particularly in situations where they might be vulnerable.
- Ensuring reasonable adjustments are in place for people with disabilities (both visible and invisible).
- Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so. Training of staff and supporting them to report harassment to management and to emergency services.
- Provision of staff training in the detection and prevention of excessive alcohol consumption and addiction, to include remote sales.
- **Counter terrorism** – more information is provided below.

### **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).
- Employment of SIA door supervisors, stewards or traffic marshals where appropriate for the premises or the event.
- Consideration given to appropriate counter terrorism measures in line with any national guidance and this Policy.
- **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)

## Counter Terrorism

In accordance with The Terrorism (Protection of Premises) Act 2025, licensed premises are required to implement appropriate measures to mitigate the risk of terrorism. This includes conducting thorough risk assessments to identify potential threats and vulnerabilities, and adopting security measures such as enhanced physical security, staff training, and emergency planning. Premises must also coordinate with local law enforcement and adhere to guidelines provided by the Security Industry Authority. Ensuring the safety and security of patrons is paramount, and these measures are essential to protect the public from the threat of terrorism.

Crowded places, such as pubs, nightclubs, concerts and festivals have been the target of terrorist activity in the UK. Applicants and Licence Holders are expected to have read and understood the guidance and training produced by the National Counter Terrorism Security Office and the Government for operators of venues and crowded places about how to reduce the threat of an attack.

When considering how to reduce the risk of a terror attack, the threat level must always be taken in consideration, especially when:

- Events or festivals are taking place which attract large numbers of visitors to the area.
- National and International sporting events are taking place and are televised in licensed premises.

The Licensing Authority expects premises to have appropriate procedures in place to:

- Evacuate customers and staff (and anyone visiting the premises) safely.
- Bring people into the premises, or parts of the premises, safely.
- Secure the premises to ensure that entry of any attacker is restricted or prevented (e.g. locking doors or shutters or using barriers).
- Means of communicating to people on the premises to move them away from any danger.
- Ensure all staff are aware of the current terrorist threat.
- Ensure robust procedures are in place to record and report suspicious activity.
- Ensure appropriate security staff are employed.



## Prevention of Public Nuisance Licensing Objective

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 waiting outside the premises for taxis or private hire vehicles
  - Alcohol-related drunken behaviour and shouting upon exiting the premises
  - 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 e.g. open windows and doors, use of smoking shelters, type and frequency of noise, the regularity of noise, position of speakers and ineffective noise reduction measures, such as sound insulation.

- **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 extractors. This may include smell nuisance from ventilation ducting and kitchen extractors.

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.

### **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 facilitate 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 and consider, where appropriate using calibrated and effective noise limiting devices.
- **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.
- **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.

Measures to prevent or mitigate noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those residing in the area of the premises. Where the Licensing Authority's power is engaged, it will assess whether other legislation may not adequately cover concerns raised in relevant representations and consider whether additional conditions may be appropriate.

### **Protection of Children from Harm Licensing Objective**

The Licensing Authority does not seek to limit the access of children to premises unless it is necessary to do so for the prevention of physical, moral or psychological harm to them.

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).

Applicants are expected to demonstrate in their operating schedule the steps they propose to take to ensure children are protected from harm. Home Office Guidance suggests conditions restricting the access of children to premises be strongly considered in circumstances where:

- “adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.”

The Licensing Authority may also consider the imposition of conditions restricting or limiting the access to children from premises in the following circumstances:

- Where there is a strong element of gambling on the premises. Please refer to Breckland Council's Statement of Principles for Gambling.

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

### **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 an unaccompanied person under 18 years of age is 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. See information below.

## Films

Where a premises is authorised to exhibit films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with either:

- The British Board of Film Classification (BBFC)
- Or where the film is not classified by the BBFC, any recommendations made by the Licensing Authority.

The Licensing Authority may be requested to authorise a film that has already been classified by the BBFC in the following 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 time period
- A one-off screening of a film
- A trailer for a film.

The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. We will, therefore, use this system as a reference for determining recommendation(s) on the restriction of access to children to the film(s).

Readers are asked to note that the Licensing Authority is not obliged to follow the BBFC 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. Readers are asked to refer to the procedures outlined at **Appendix 3**, which will apply.

In accordance with the section 182 Guidance, the Licensing Authority concerns itself primarily with the protection of children from harm when classifying films. The Licensing Authority will not use its power to censor films save where there is clear cause to believe this is required to promote the licensing objectives.

## **Child Sexual Exploitation**

The Licensing Authority must consider the need to protect children from sexual exploitation when undertaking its licensing functions. If members of the public have concerns about child sexual exploitation in connection with premises licensed under the Act, then they should contact the Police in the first instance also notifying Norfolk Safeguarding Children Partnership.

The Licensing Authority will give considerable weight to representations made about child protection matters. The Licensing Authority recognises Norfolk Children Safeguarding Partnership as competent to advise it on the protection of children from harm. We recognise that the Director of Public Health and the Police may also have access to relevant evidence or intelligence to inform such representations.

The Licensing Authority will maintain close contact with the police, young offenders' teams and trading standards officers about the extent of unlawful sales and consumption of alcohol by minors and will consider such matters where its discretion is engaged.

## Part 5 - Other Application Types

Part 5 sets out some of the other main types of licence and notices which can be applied for under the Act.

### Personal Licences

An individual may apply for a personal licence whether they have current employment or business interests associated with the use of the licence. Please note however, that individuals applying for a personal licence must be entitled to work in the UK.

For more information about right to work checks, please refer to the [Home Office online right to work checking service \(opens new window\)](#).

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 (TENs) 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 TENs 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 TEN.

Temporary Event Notices must be submitted using the prescribed form. There are arrangements in place for electronic submissions.

Event organisers are encouraged to give as much notice as possible; however, the minimum notice periods are set out below.

Notices must be given to the Licensing Authority, Environmental Health and the Police no later than ten clear working days before the first day on which the event begins.

A premises user may also give a limited number of Late TENs, where notice may be given between five and nine clear working days before the event.

Working days do not include the day the notice was given, the first day of the event, weekends or bank holidays.

Further details regarding the notice procedure and fee payable can be found in the Guidance on Temporary Event Notices on the Breckland Council website.

## **Variation of a Premises Licence or Club Premises Certificate**

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.

### **Full Variation**

A full variation can be used to:

- Extend the hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11:00pm (23:00) – 07:00am (07:00) (note, this change may not be made via the minor variations process)
- Increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises (note, this change may not be made via the minor variations process)
- extend the hours during which other 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 generally not be used where changes are being made to the building (such as using previously unlicensed areas and/or areas which are not included on the existing plan of the premises held on file by the Licensing Authority) 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 an application.

### **Minor Variation**

Where an applicant wishes to make a minor variation to their licence or certificate, this may be done via a simplified application process. Information about how to apply can be found on the Council's website.

The minor variation process **cannot** be used in respect of the following matters and instead may require an application for a Variation (sometimes referred to as a 'Full Variation') or an application for a new premises licence or club premises certificate.

Changes to structure or layout:

- Which increase the capacity for drinking on the premises
- Which affect access between the public part of the premises and the rest of the premises or the street or public way – for instance, which block emergency exits or routes to emergency exits
- Which impede the effective operation of a noise reduction measure such as an acoustic lobby.

Where the combined effect of a series of applications for successive small changes to layout or structure are made, the Licensing Authority will consider whether further proposed changes impact adversely on the licensing objectives. Where this is judged to be the case, applicants will be asked to utilise either the full variation process or apply for a new licence or certificate.

### Addition or removal of licensable activities:

- The sale by retail or supply of alcohol (except in the circumstance immediately below).
- To add the ability to provide off-sales of alcohol - where the licence holder previously benefited from the off-sales provision in the Business and Planning Act 2020 and there were no adverse impacts on the licensing objectives. This consideration will not apply where the licence has since been transferred to a new licence holder or holders.
- Applications to remove a licensable activity from the scope of a licence or certificate will normally be approved. However, where the supply of alcohol is provided and an application to remove late night refreshment is made, where it is judged that the removal of the activity will adversely impact on the licensing objectives, applicants will be advised to utilise the full variation process.

### Changes to licensing hours:

- To extend the hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11:00pm (23:00) and 07:00 am (07:00).
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.
- Applications to vary or reduce the time during which other licensable activities take place may be considered but only where the proposed changes do not adversely impact on the licensing objectives.



### Adding or removing an existing condition

- Where such a change would impact negatively on the licensing objectives.

### **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 an application to the Licensing Authority for a premises licence 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.

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 Certificate.

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 considering 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.

## Reviews

At any stage following the grant of a premises licence or certificate, a responsible authority, or other person, may ask the Licensing Authority to review the licence or certificate 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 or certificate is in existence and must be relevant to the promotion of the four licensing objectives. For further information, please refer to the Council's website.

The information set out in Part 5 does not represent an exhaustive list of all application types which may be made under the Act. Readers are asked to consult the Council's website for more information.

**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 a summary explanation of why it is incomplete.**

## **Part 6 - Representations, Conditions and Licensing Hearings**

Part 6 sets out how representations (positive or negative in nature) may be made to the Licensing Authority, and we explain in summary form the role of licensing conditions and hearings.

### **Representations**

Representations may be received from the responsible authorities in connection to certain application and notice types.

Any individual, body or business, where they have the grounds to do so, may make representation in opposition to, or in support of, certain applications.

Elected Members and Town and Parish Councillors, may make representations themselves, or on behalf of the applicant or other persons. Where an Elected Member has made a representation, they cannot take part in the decision process concerning that application.

Representations must be 'relevant', which means the representation should relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

The Licensing Authority cannot accept anonymous representations.

Members of the public who wish to submit a representation or apply for a review of a premises licence or club premises certificate should be aware that once submitted to the Licensing Authority, the representation will become a public document. As required by legislation, representations will be made available to the applicant and will include information such as the person's name and address. Copies of representations will also be included in any report that is presented at a Licensing Committee or Licensing Sub-Committee, copies of which are published on the Council's website.

In exceptional circumstances, where the Licensing Authority considers that a person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, it may consider withholding some personal information from the applicant. This will only be considered where the circumstance in each case justifies this action.

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.

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 Licensing 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.

## **Petitions**

Any petitions made in respect of an application (in support or against) 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
- Objections relating to the impact of a new business or a change to a new business on existing trade cannot be taken into account
- 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 show the date the signatures were collected on each page
- 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.

## **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 or certificate will only be sought if such notice has failed to resolve the matter or problem.

The Licensing Authority expects that any responsible authority or any other person will provide an evidentiary basis to support their application for a review of a premises licence or club premises certificate.

## **Licence Conditions**

There are three types of conditions that may be attached to a licence or certificate. Conditions include any restrictions or limitations attached to a licence or a certificate which dictate how the premises can operate. Licence and Certificate holders must comply with all conditions as failure to do so is a criminal offence. Depending on the individual nature of premises, types of licensable activities provided and operating hours (among other considerations) the number of conditions attached to a licence or certificate will vary in number.

## **Mandatory Conditions**

The Act provides for mandatory conditions to be included on every licence and club premises certificate. The Licensing Authority cannot alter these conditions. Applicants cannot apply to remove these conditions.

Information about the Mandatory Conditions can be found in Guidance issued by the Home Office – available here: <https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>

## **Proposed Conditions**

In preparing an application for a premises licence or club premises certificate, an applicant is expected to propose conditions that are appropriate for the promotion of the licensing objectives. These proposed conditions should emerge following a risk assessment undertaken by the prospective licence or certificate holder. Conditions attached to licences or club premises certificates should be focused on matters which are within the control of the licence or certificate holder.

This is an essential part of the application and applicants will want to demonstrate to the Licensing Authority, responsible authorities and to persons who may be impacted by the operation of the premises, that they can operate the premises responsibly and safely and without undermining the licensing objectives.

The self-proposed measures volunteered by the applicant will become conditions of the licence or certificate, if granted (subject to any rewording by the Licensing Team to ensure proposed conditions are expressed in unequivocal and unambiguous terms). The Licensing Authority has prepared guidance on completing an application, which can be found on the [Council's website](#). We have also devised a Model Pool of Conditions, also available on the Council's website, which applicants are strongly encouraged to read prior to submitting an application. The Model Pool of Conditions should not be regarded as a standard list of conditions to be applied universally to all licences and club premises certificates. Neither should the guidance be regarded as a definitive or exhaustive list of conditions.

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

## **Imposed Conditions**

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

It is possible that in some cases, no additional conditions will be appropriate to promote the licensing objectives.

## **Hearings of the Licensing Committee or Licensing Sub-Committee**

The Licensing Act 2003 (Hearings) Regulations 2005 [SI2005 No 44] (as amended) make provision for the holding of licensing hearings. Within those rules, the Licensing Authority has a wide discretion as to how it will conduct hearings.

The Licensing Authority has developed a hearing procedure, and this is available to view on the Council's website.

In summary, the hearing will be held in public unless the Licensing Authority decides to exclude the public from part or all of the hearing where it considers that the public interest in doing so outweighs the public interest in the hearing.

The hearing will usually be before a Licensing Sub-Committee (sometimes referred to as a Licensing Panel). Hearings can be before the full Licensing Committee where this is appropriate, but these occasions are likely to be rare.

Parties to the hearing (usually the Applicant, Licence or Certificate Holder (in the case of a Review), each person who has made relevant representations and each Responsible Authority who made a representation) will be notified in writing of the date and time of the hearing in advance. Hearings will be held on working days and generally start and finish on the same day. We do have power to extend time limits where we consider this to be necessary in the public interest and we can adjourn a hearing to a specified date where we consider this to be necessary for our consideration of any representations or notice.

The hearing will take the form of a discussion led by the Licensing Authority, with all parties given an equal maximum time to speak to address the Sub-Committee. A decision along with the reasons for that decision will usually be given on the same day and confirmed in writing to all Parties. The written confirmation of the Decision will set out the Parties right of appeal.

## Part 7 - Enforcement and Monitoring

Part 7 sets out the Licensing Authority's general approach to compliance and enforcement.

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 undertake inspections of premises and carry out more light touch visits and undertake verbal and written enquiries where concerns come to the Licensing Authority's attention.

Monitoring and enforcement activity will be based on the principles of risk assessment, a graduated response, and the targeting of problem premises.

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 usually (but not in every circumstance) take a graduated approach to enforcement, which includes the actions listed below.

- take no action
- verbal or written advice
- verbal warning
- written warning
- mediation between licence and certificate holders 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 will have reference to the Council's [Enforcement Policy](#) (opens in new window) when undertaking compliance or enforcement action. The Council's policy follows the principles of the Enforcement Concordat.

The Licensing Authority will utilise its review powers where it considers it appropriate to do so. It may also, either before or in conjunction with a review, consider using its other statutory powers, including to commence a prosecution.

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.



## **Part 8 - Other Matters**

Part 8 sets out a range of other matters, of which the Licensing Authority is mindful, when administering its responsibilities.

### **Data Protection**

To undertake our functions and responsibilities under the Act as regards processing applications, dealing with representations and undertaking compliance and enforcement activity, it is necessary for the Licensing Authority to collect and hold personal information. To aid in the detection and prevention of criminal acts, we may also collect from and share information with other Council departments, responsible authorities under the Act, government agencies and departments, and other parties. More information is available on the [Licensing Privacy Notice](#) which can be found on the Council's website.

### **Equality and Diversity**

This Policy supports the Council's commitment to eliminate discrimination and to actively promote equality of opportunity for everybody who lives, works in, or visits Breckland. More information can be found on the [Council's website](#).

An Equality Impact Assessment was undertaken prior to consulting on this Policy and is published on the Council's website.

Applicants and Licence Holders should familiarise themselves with their responsibilities under the Equalities Act 2010 and relevant guidance for businesses, which can be found on the [Equality and Human Rights Commission website](#).

### **Modern Slavery/Human Trafficking**

Modern slavery is a crime and a violation of fundamental human rights and can take many forms. The Modern Slavery Act 2015 includes the following under the offence of modern slavery:

- Slavery, where ownership is exercised over a person
- Servitude, where a person is obliged to provide services imposed by coercion
- Forced or compulsory labour, which involves work extracted under the menace of penalty and for which the person has not offered himself/herself voluntarily
- Human trafficking, which involves the movement of people by means such as force, fraud, coercion or deception with the aim of exploiting them

Modern slavery operates in plain sight and can affect businesses without them even knowing. It is important that licensed premises and the employees who work there understand how they might be affected so that they can take steps to reduce the risk.

Readers are encouraged to 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.

The Modern Slavery and Exploitation Helpline (0800 0121 700), which is open 24-hours a day, can provide support to anyone who has a suspicion and would like some guidance on the next steps. Further information can be found at <https://www.modernslaveryhelpline.org>.

## **Relevant Entertainment**

'Relevant entertainment' is defined in the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") and includes:

- Any live performance; or
- Any live display of nudity

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

Where premises wish to offer relevant entertainment on a regular basis, that is more frequently than 24 hours once a month on no more than 11 occasions a year, an application for a Sexual Entertainment Venue Licence should be made. The Council 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 to authorisations granted under the 1982 Act.

Where 'relevant entertainment' is provided at a premises on an irregular basis such premises must benefit from an authorisation under the Licensing Act 2003 for the performance of dance and the performance of recorded music.

## **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, giving a minimum of 2 working days' notice (starting on the day after the Licensing Authority gives notice).

All licensable activities must cease when 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, irrespective of any transfer or hearing taking place.

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

## Appeals

Appeals concerning a decision of the Licensing Authority may be made to the Magistrates' Court (except for closure orders). Appeals must be commenced by the appellant within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision which is being appealed.

Home Office Guidance sets out that on determining an appeal, the court may:

- “dismiss the appeal
- substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court and make such an order as to costs as it thinks fit.”

## Glossary and 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
- **'the Licensing Sub-Committee'** refers to a sub-committee of 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.

## 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.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 – Delegations of Functions

The table below explains how the Licensing Authority will undertake its functions, including making determinations, under the Act. These functions do not include the making of a Statement of Licensing Policy, this being a matter reserved for Full Council.

Many of the decisions and functions which fall to the Licensing Authority are administrative in nature. The Licensing Authority has delegated such matters to Officers. Applications or notices which have attracted representation or objection will generally be dealt with by a Licensing Sub-Committee, but it should be noted that a Licensing Sub-Committee may ask for any matter to be determined by the Licensing Committee. The Licensing Committee has delegated power to determine any of the matters set out in the table below.

<b>Matter to be dealt with</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for Personal Licence	If a Police objection	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Personal Licence – determination of Suspension or Revocation	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

<b>Matter to be dealt with</b>	<b>Sub-Committee</b>	<b>Officers</b>
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 conditions	If a Police objection	All other cases
Decision whether to consult other responsible authorities on a minor variation application		All cases

## Appendix 3 – Classification of Films: Procedure

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 intend 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 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 2.28 of the National Guidance states:

“The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also 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 can be found on the Council's website.

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