

Licensing and Appeals Committee



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15 September 2021

A meeting of the **Licensing and Appeals Committee** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Monday, 27 September 2021 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel: 01263 516019, Email: linda.yarham@north-norfolk.gov.uk

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Dr P Bütikofer, Mr H Blathwayt, Mr T Adams, Mr D Birch, Mr C Cushing, Mr P Fisher, Mrs P Grove-Jones, Mr N Housden, Mr N Lloyd, Mr N Pearce, Mrs G Perry-Warnes, Mr J Rest, Mrs E Spagnola, Mr E Vardy and Mr A Yiasimi

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

(Pages 1 - 26)

To approve as a correct record, the minutes of the meeting of the Licensing and Appeals Committee held on 23 November 2020 and of meetings of the Licensing Sub-Committee held on 17 March, 13 April, 24 May and 25 August 2021.

4. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

5. DECLARATIONS OF INTEREST

(Pages 27 - 28)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

6. UPDATE ON GENERAL LICENSING ISSUES

To give an oral update on licensing issues.

7. REVIEW OF GAMBLING AND LICENSING POLICIES

(Pages 29 - 94)

Summary: To present draft revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005.

Conclusions: Approval of the Licensing Policy and to note and make any comments on the draft Gambling Policy which is to be approved formally by Full Council.

Recommendations: That the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and that these are then published in accordance with legislative requirements.

Cabinet Member(s) Councillor Nigel Lloyd	Ward(s) affected - All
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– Portfolio Holder Councillor Dr Pierre Bütikofer - Chair of the Licensing Committee	
Contact Officer, telephone number and email: Lara Clare 01263 516252 lara.clare@north-norfolk.gov.uk	

8. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

9. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph _ of Part I of Schedule 12A (as amended) to the Act.”

10. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM THE PUBLIC BUSINESS OF THE AGENDA

11. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

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LICENSING AND APPEALS COMMITTEE

Minutes of the meeting of the Licensing and Appeals Committee held on Monday, 23 November 2020 remotely via Zoom at 10.00 am

Committee Dr P Bütikofer (Chairman)

Members Present:

Mr H Blathwayt (Vice-Chairman)
Mr D Baker
Mr D Birch
Mr C Cushing
Mr P Fisher
Mrs P Grove-Jones
Mr N Housden
Mr N Lloyd
Mrs G Perry-Warnes
Mr J Rest
Mrs E Spagnola
Mr A Yiasimi

Officers in Attendance: Public Protection & Commercial Manager, Licensing Enforcement Officer, Trainee Solicitor, Democratic Services Manager and Democratic Services & Governance Officer (Regulatory)

Also in attendance: Mr S Heels & Mr A Colman, North Norfolk Taxi & Private Hire Association

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor T Adams.

2 MINUTES

The Minutes of a meeting of the Committee held on 20 January 2020 and of meetings of the Licensing Sub-Committee held on 29 January, 25 February, 25 March, 6 May, 17 June and 5 August 2020 were approved as correct records.

3 ITEMS OF URGENT BUSINESS

None.

4 DECLARATIONS OF INTEREST

The Chairman and Councillors A Yiasimi, Mrs P Grove-Jones and Mrs E Spagnola stated that they were acquainted with Mr Heels of the North Norfolk Taxi and Private Hire Association.

5 UPDATE ON GENERAL LICENSING ISSUES

The Licensing Enforcement Officer stated that most applications were being submitted online and business was continuing to operate as usual.

6 PUBLIC PROTECTION & COMMERCIAL - LICENSING UPDATE – TAXI LICENSING POLICY

The Licensing Enforcement Officer was unable to make a presentation of her report due to technical issues.

The Chairman thanked the Licensing Team and Task and Finish Group for their work on the Taxi Policy and Handbook. He invited Mr S Heels of the North Norfolk Taxi and Private Hire Association to present his comments to the Committee.

Mr Heels referred to a report that had been submitted by the Association, which had made suggested amendments that would allow the Council to continue to put public safety first whilst not adding additional financial burden to the trade, which was already suffering due to the pandemic. Most long distance bookings had been cancelled and there had been a reduction in daytime trade, with no signs of recovery in the near future. He considered that the timing of the release of the new handbook showed a lack of empathy towards the trade.

Mr Heels raised concerns that promised discussions with the trade had not taken place, and questioned the benefit of the email consultation given the low rate of response. He considered that some people would not have received the consultation due to the lack of technology or out of date email addresses.

Mr Heels stated that the Association's report had highlighted 27 changes that had not been included on the feedback form, which he considered was misleading and did not allow for an accurate consultation response. He considered that it was difficult to see what had changed, but the handbook had been increased from 34 pages to 58 pages and omitted the procedure for hackney carriage fare increases. He considered that fewer rules and fewer pages would make it easier to retain the information.

Mr Heels referred to best practice guidance 2010 (8), which stated that the duty of a council was to put policies in place that safeguarded the general public, but should not be so onerous or cost prohibitive as to lessen the number of taxis available thus putting the general public at greater risk. He stated that the Association was aware of drivers and operators who had already stopped driving or trading and this was likely to increase. He accepted the need to update the current handbook, but pointed out that some of the changes would add to drivers' and operators' expenses, with additional takings of £200 being needed to cover the £76 cost of the additional taxi test. He considered that some sections and rules needed clarity to avoid errors by drivers or operators.

Mr Heels requested that the Committee defer approval of the handbook so that discussions could take place between Councillors, Officers and the Association to address the issues that had been raised by the Association.

Councillor Mrs G Perry-Warnes considered that it would be reasonable and in the interests of transparency to hold discussions as requested by Mr Heels, and that it was important to do so if there were doubts about the consultation.

Councillor Mrs E Spagnola agreed with Councillor Mrs Perry-Warnes, and added that there were issues that required clarification, particularly around disability. She considered that it was not wise to make decisions on people's livelihoods in the current circumstances.

Councillor A Yiasimi also supported the suggestion that discussions should take place.

Councillor D Baker considered that careful thought was needed. Although the current handbook had been in place for a long time and it was right to review it, he considered that any changes at the current time when businesses were suffering could be seen as unnecessarily bureaucratic. He considered that a 'gentle handbrake' should be applied.

The Licensing Enforcement Officer explained that the handbook had been under review for some time. The Department for Transport had brought out statutory taxi and private hire vehicle standards in July 2020, which required the Licensing Authority to have regard to additional matters that were not in the current handbook, with implementation within six months of their coming into force. To apply a gentle handbrake as suggested would impact on the timeframe set by the Committee.

Councillor N Housden asked what impact the Covid-19 restrictions had had on the taxi industry and the additional on costs for drivers.

The Licensing Enforcement Officer explained that whilst Covid-19 had affected taxi drivers, the Government restrictions had not directly affected the way they worked as they were allowed to continue working and could not work from home. The industry had not been required to close. Recommendations had been made regarding safety but these had not been mandatory. The greatest impact had been the reduction in customers.

Mr Heels explained the extra precautions taken by drivers in terms of cleaning etc and there was a cost involved in providing the materials required. Some drivers had underlying health conditions and were therefore unable to work.

In response to a question by Councillor J Rest, the Licensing Enforcement Officer confirmed that the current handbook was 8 years old. It was constantly under review by Officers and there had been no significant changes prior to 2018, but subsequent to that it had become necessary to update it. She was not aware that its age had any impact on insurance premiums for drivers or operators.

Councillor C Cushing supported the previous speakers. He referred to the schedule of changes and asked which of them added additional burdens and costs over which the Council had some discretion.

The Licensing Enforcement Officer explained that the only requirements that would add additional costs were the requirement for a mid-term inspection for vehicles over 5 years old and the request for drivers to have a safeguarding qualification.

Councillor N Lloyd referred to Mr Heels' concerns that the consultation had not captured all those affected. He stated that there had been a significant number of responses. He considered that there may have been some misunderstanding regarding the 'knowledge test', which would cover communication with passengers, numeracy and basic community knowledge. He accepted that the additional vehicle test would be a burden on operators but the Council had a duty to follow statutory guidance, and a responsibility to residents to ensure public safety. He supported the request for further consultation and considered that a short delay would be good considering the strain placed on the industry by the pandemic.

Councillor Mrs P Grove-Jones stated that the Council had a duty to its residents and to the taxi drivers, who had a very difficult job. She asked for details of the total annual statutory costs for drivers and operators.

The Licensing Enforcement Officer summarised the annual costs, which totalled £329. In addition, there were insurance costs over which the Council had no jurisdiction.

Councillor H Blathwayt asked if there was any scope for a slight delay in implementing the Government's legislation. The Legal Advisor stated that she would research this and come back to the Committee with the relevant information.

Councillor D Baker asked if Mr Heels could give any information as to how much his income levels had dropped during the pandemic. He offered to approach Baroness Vere of the Department for Transport to ask for a slight stay in implementing the legislation.

Mr Heels gave details of his own loss of income and gave anecdotal examples of the general impact that the pandemic was having on trade.

The Public Protection Manager stated that the consultation process had been followed legally and there were some valid comments from the trade. She considered that it would be appropriate to revisit the issues raised through the Association, but not to open up the consultation to the trade again. She stated that some Licensing Authorities had had the standards and approaches in place for a long time. In order to reassure the trade, she stated that the Council had a duty to keep costs down and be efficient in the way fees were set, and that there would be engagement in respect of any mechanisms that came forward. In respect of the knowledge test, there were opportunities to engage local education institutions through a tendering process to keep costs down. She sympathised with the trade and considered that if a soft handbrake were to be applied, it should be short term to allow the handbook to be finalised no later than 1 April 2021.

The Chairman invited Mr Colman to speak. Mr Colman stated that standardised roof signs would be difficult and costly to implement. He suggested that the cost of vehicle testing could be reduced if the MOT test and Council test were carried out six months apart.

The Chairman put forward a proposal to approve the handbook as drafted, then hold a meeting with the Task and Finish Group and other interested Members, and Mr Heels, to discuss finer points of the handbook and areas where there were gaps or improvements to be made, and add the agreed amendments as an addendum to the handbook before its approval by Full Council in December.

Councillor Mrs Perry-Warnes questioned why the Chairman was recommending approval if a 'soft handbrake' were to be applied and stated that she could not support the suggestion.

The Chairman explained that the handbrake would be in the form of discussions with the trade to improve the document prior to consideration by Full Council.

Councillors D Birch, Mrs P Grove-Jones, H Blathwayt and A Yiasimi expressed support for the Chairman's suggestion.

Mr Heels expressed concern that by approving the document at this meeting, any

subsequent discussions would merely pay lip service to the trade. He stated that a delay in its implementation to 1 April 2021 would be welcome.

Councillor N Housden stated that the meeting was being live streamed and it was therefore on record that the Council was prepared to listen and open further discussions. He considered that there was little point in delaying the matter.

The Public Protection Manager explained that many of the changes highlighted by the Association related to statutory standards and the fundamental aspects of the document had to remain. Discussions with the trade would relate to the practical aspects of implementation.

Councillor Mrs Perry-Warnes considered that approval of the document should be delayed until February 2021.

Councillor D Baker stated that the framework was complete and he was happy to approve the document subject to further work with the taxi trade and implementation in April. He considered that it would provide clarity and comfort for all concerned.

Councillor Mrs E Spagnola supported Councillor Baker's views. She emphasised the importance of communication and considered that working together with the trade would deliver the best outcome.

The Public Protection Manager stated that if implementation were to be delayed until April, it would be appropriate to seek adoption at Full Council in February. The meeting with the trade would not be delayed in order to give the Association the opportunity to go back to its members.

Councillor N Lloyd supported this suggestion.

In response to a question by Councillor N Housden, the Licensing Enforcement Officer confirmed that the suggested delay would be unlikely to cause an issue with the Department for Transport.

It was proposed by Councillor P Bütikofer, seconded by Councillor D Baker and

RESOLVED

That the Taxi Policy and Handbook be approved as a framework subject to further discussions and agreement with the trade on points of detail prior to its submission to the February meeting of Full Council for adoption, with an implementation date of 1 April 2021.

The meeting ended at 11.22 am.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 17 March 2021 remotely via Zoom at 10.00 am

Committee Dr P Bütikofer (Chairman) Mr N Lloyd
Members Present: Mr J Rest

Members also attending: Mr A Yiasimi (Cromer Town Ward) for Minute 4

Officers in Attendance: Licensing Enforcement Officer, Legal Assistant, Democratic Services & Governance Officer (Regulatory) and Democratic Services Manager

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 APPLICATION FOR A NEW PREMISES LICENCE - MCDONALDS RESTAURANTS LTD, MIDDLEBROOK WAY, CROMER, NORFOLK, NR27 9JR (10.00 AM)

Present (remotely):

Representing the Applicant: Mr P Robson, Mr M Gallant and Ms E Rayner

Objectors: Mr P Chapman, Mrs A Collison, Mr G Collison, Mr J Symonds, and Mrs J Symonds

The Chairman introduced the Members of the Panel and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She confirmed with the applicants that they had received a copy of the agenda papers. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair hearing under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present. She drew attention to the lack of representation in the report from responsible authorities. The Licensing Enforcement Officer confirmed that no representations had been received from responsible authorities.

The Licensing Enforcement Officer presented the report, which related to an application for a new Premises Licence to which objections had been received from local residents.

Mr Robson presented the case on behalf of the Applicant. He drew attention to the

work that the Applicant would carry out with regard to the four licensing objectives. He stated that the Applicant had significant experience in managing over 700 premises and training was in place for managers and staff with regard to the licensing objectives. There were also physical and technological responses in place to meet those objectives, such as digital motion activated CCTV and the Staysafe system. He referred to concerns raised by an objector regarding Staysafe and explained that this was an industry standard system used by McDonalds and other fast food outlets all over the country. If an incident arose, management or staff could immediately alert a call centre based in Scotland, which took over the loudspeaker system in the restaurant to publicly identify the person concerned, with the intention of embarrassing them into stopping the behaviour. This method had been proven to de-escalate situations and if it did not have the desired effect, the Police would be called. In addition, all shift managers received training in how to de-escalate situations. He referred to the public safety objective and stated that safety systems were in place and the Applicant would work closely with Environmental Health and the local Fire Service. Staff training would be carried out and it was policy not to allow open alcohol containers. This policy would be policed by staff in a way that was non-confrontational and would reduce potential escalation to crime and disorder or public safety issues. With regard to public nuisance, the primary concern of residents related to litter. Litter picking teams would pick up all litter, regardless of its source, within a fairly wide radius of the site. Whilst the Applicant could not be responsible for individuals dropping litter, they would go beyond what would be expected of a licensed premises. The premises would be fitted with self-closing doors to reduce noise escape. Music would not be loud or brash, with classical music being played at busy times which had the effect of calming people down. Experience at other McDonalds outlets had shown that people were quieter when leaving the restaurant than arriving as they were full. The protection of children from harm was taken seriously by McDonalds. Children were a large part of the customer base, but it was expected that fewer children, particularly unaccompanied children, would use the premises during the licensed period between 11pm and midnight. Managers were trained in safeguarding and staff were trained to identify signs of a child in distress and take the necessary action. Mr Robson considered that the measures outlined and the Applicant's experience were part of the reason there were no objections from responsible authorities. The representations had been taken into account and he hoped that he had addressed many of the concerns. He referred to the review procedures available if there were any issues. He confirmed that the Applicant did not object to the draft conditions to be imposed if the licence were granted.

Councillor J Rest asked what time the last meal was served, whether or not the premises were cleared fully by midnight, and if signage would be displayed to make it clear when the last meal would be served.

Mr Robson explained that the last meal would be served at a time to allow the premises to be closed at midnight. Mr Gallant added that signage was not displayed but customers would be informed when they came into the premises. There was also a 15 minute warning system in place. Cars would also need to be stopped from entering the drive through.

For clarification, the Licensing Enforcement Officer explained that this application was not to extend the opening hours for the premises as these had already been set by the planning permission. The purpose of this application was to allow the sale of hot food and hot drink from 11pm, when this activity became licensable, until midnight.

Councillor N Lloyd asked how the Applicant would deal with a complaint from a neighbour regarding noisy people outside the premises.

Mr Gallant explained that neighbour concerns were taken seriously. The manager would investigate the source of the noise and ask the offenders to be quiet, and if necessary the manager would take it further. Number plate recognition was used in some car parks and in the case of persistent offenders, the manager would work with the Police to ban the person from the restaurant. A local franchisee would be responsible for the branch and would be part of the community, working with local people and authorities.

The Licensing Enforcement Officer gave a brief explanation of the review process for premises licences. In the event of complaints, a review could be called by responsible authorities or local residents. The Licensing Sub-Committee would review the evidence and decide whether to take no action, add conditions to the licence or revoke the licence. She advised that any issues should first be taken up with the premises, and if those issues were not resolved they could be escalated either through the Local Authority or the Police.

The Chairman requested clarification as to whether or not there would be recorded music as the relevant question on the application form had been ticked 'no'.

Ms Rayner explained that the question had been ticked 'no' as the music would be incidental background music, which was not licensable.

In response to a question by the Chairman, Mr Robson gave further details of the measures that would be employed to protect children. This included safeguarding training for managers, and training for other staff to enable them to recognise distress and understand the actions they should take. It was important to plan for the worst, and procedures were in place to work with the Police if necessary, but in most cases it would require the lowest intervention to check that a child was ok.

Councillor Rest asked if there would be prominent signage in place and advice given to customers to leave quietly and respect other people, particularly in the late hours.

Mr Gallant stated that signage would be erected if required at the entrance and in the car park, given the residential location.

Mrs Collison stated that her garden backed onto Middlebrook Way, which was the natural route for people leaving the restaurant to go to the caravan and camping sites that led off it. If people left McDonalds at midnight they would be walking past late in the evening. She referred to Mr Robson's comment about people being quieter when they had eaten, but was concerned that this would not be the case if they had purchased a takeaway to eat in their caravans. Their concerns were that they would be disturbed after midnight, and whether the car park would be locked after midnight.

Mr Robson referred to the submissions already made in terms of how noise would be controlled, with the addition of signage requested by Cllr Rest. McDonalds wished to minimise, and ideally completely eradicate, any disturbance and would strive to work with local residents to ensure there was no disruption between 11pm and midnight. He considered that the measures in terms of noise escape and messaging to customers would serve to minimise potential disturbance. The manager would always be happy to discuss any steps that needed to be taken. McDonalds sought to take an active role in the community and the business would

do better if there was a good relationship between the company, the franchisee and the neighbours.

Mrs Collison reiterated her question regarding the locking of the car park and expressed concern that it could be a magnet for antisocial behaviour and drug taking as it was a little out of town. Mr Collison added that people could play loud music in their cars while eating their takeaways after midnight if the car park was not secured.

Mr Gallant was unsure if there was a car park barrier at present, but he agreed with Mr and Mrs Collison's concerns and stated that a barrier could be installed if it would allay their fears. He added that the franchisee could add a 90 minute ANPR camera system to control the length of time cars could stay in the car park, and CCTV outside the building had night time visibility. The restaurant would also be occupied until 1.30 am approximately for cleaning.

Cllr A Yiasimi, local Member, was pleased with the approach taken by the applicant to the issues that had been raised. He considered that it was good that matters were addressed at this stage and that there was scope to work together to address any issues if they arose.

Mr Symonds stated that most of his concerns had been covered by Mr and Mrs Collison. He appreciated that McDonalds had no control over people outside their boundary, but his bedrooms backed onto the lane and it could be noisy even when people were trying to be quiet.

Cllr Rest asked Mr Robson if he could share the business case with the Sub-Committee in terms of the number of people who were expected to use the facility during the licensed hours.

Mr Robson stated that he had no instructions from his client with regard to the business case.

Mr Gallant explained that every location was different so it was not possible to say what would happen. It was intended to operate as fully as possible within the planning regime, but the franchisee could make the decision to close at an earlier time if it was not viable to stay open. Given the nature of Cromer as a summer holiday resort it was possible that the restaurant would open until midnight in the summer but close by 10 pm in the winter. However, this would not be known until the restaurant was in operation.

The Licensing Enforcement Officer reminded the Sub-Committee that this application related to the sale of hot food and hot drink from 11 pm until midnight, which was a licensable activity. The premises could remain open until midnight in accordance with its planning permission, and serve cold food and drink until that time as it was not a licensable activity.

There being no further questions or closing statements, the Sub-Committee retired at 10.58 am.

RESOLVED

That the Licence is granted subject to:

- 1. The mandatory conditions applicable under the Licensing Act 2003.**
- 2. The conditions consistent with the operating schedule [as detailed in the report].**

3. The following additional conditions considered by the Sub-Committee to be necessary and proportionate:

Condition 1

A barrier must be put in place at the entry and exit point of the premises to prevent vehicular access to the premises outside of opening hours.

Condition 2

Prominent and clear signage must be displayed at the entry and exit points of the premises requesting the co-operation of patrons and staff in leaving and entering area quietly and with consideration to the local residents.

5 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

6 (WK/210001731) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK (11.30 AM)

Present (remotely): Applicant and Applicant's Supporter

The Chairman introduced the Members of the Panel and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair hearing under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where the circumstances merited consideration by the Sub-Committee.

The Applicant's Supporter presented the case on behalf of the Applicant. He explained the circumstances in which the Applicant's offences had occurred. The Applicant realised the serious consequences that could result from drink driving, had learned her lesson and never wanted to repeat the experience.

The Chairman explained that the apparent discrepancy between the application form and DBS in respect of the length of driving ban was due to the Applicant having undertaken a drink awareness course, which had reduced the length of the ban, and was not an attempt by the Applicant to mislead the Sub-Committee.

At the request of Cllr J Rest, the Applicant clarified the medication noted on the medical report, the reason it had been prescribed and the current situation regarding it.

Cllr N Lloyd explained that the Sub-Committee had a duty to protect the public and asked the Applicant to provide further information with regard to her current circumstances that might enable the application to be approved. He asked what impact the drink awareness course had had on her.

The Applicant explained that she was normally a resilient person, but a number of issues had coincided that had pushed her to the edge. She was now in a much better place, had put the past behind her and wanted to do something good. She was an experienced driver and considered that taxi driving would be an ideal job. The drink awareness course had a big impact on her and she did not drink alcohol if she was driving.

The Chairman questioned the Applicant with regard to the details of the drink driving offence.

The Applicant explained that she had been quite a bit over the limit and had made a huge mistake. The Applicant's supporter gave more detail with regard to the circumstances surrounding the offence.

In response to questions from the Licensing Enforcement Officer, the Applicant gave further clarification with regard to her medical report.

In response to questions by the Sub-Committee, the Applicant explained the circumstances of an offence on her DBS that was not related to driving. She said that in the event of her application being rejected she would still like to be involved in the taxi industry as it involved people and she considered herself to be a sociable person. She reiterated that she was an experienced driver and considered that driving would be a good line of work for her.

The Chairman invited the Applicant's Supporter to present his closing statement.

The Applicant's Supporter stated that the Applicant had moved forward from the incidents that had occurred and she had been able to deal with subsequent emotional issues without any recurrence. She had a great deal of driving experience and wanted to return to her usual line of work when the Covid situation allowed. She had shown that she took drink driving seriously and he considered that she would continue to be a responsible person. Driving would give her more of a purpose while waiting for her industry to reopen. She had an offer of work if she gained her licence.

Before the Sub-Committee retired to make its decision, the Licensing Enforcement Officer reminded Members of the need to consider the fit and proper test of whether or not they would allow a family member to travel in a taxi driven by the Applicant.

The Sub-Committee retired at 12.10 pm.

RESOLVED

That the application be refused.

The meeting ended at 12.10 pm.

Chairman

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Tuesday, 13 April 2021 at the remotely via Zoom at 10.00 am

Committee Mr H Blathwayt Mr J Rest
Members Present: Mr A Yiasimi

Officers in Attendance: Licensing Enforcement Officer, Legal Assistant and Democratic Services & Governance Officer (Regulatory)

Observing: Public Protection Manager and Democratic Services Manager

Also in attendance: Simone Tattersall (Applicant), Tracey Manning (Designated Premises Supervisor)
Objectors: Ruth Brumby, Chris Burden, Mrs S Burden, Anna Kloczkov, Sheila Robinson, Meryl Rushmere

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 APPLICATION FOR A NEW PREMISES LICENCE - SUFFIELD ARMS, STATION ROAD, THORPE MARKET, NORFOLK, NR11 8UE

The Chairman, Members of the Panel and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She confirmed with the applicants that they had received a copy of the agenda papers. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair hearing under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present.

The Licensing Enforcement Officer presented the report, which related to an application for a new Premises Licence to which objections had been received from local residents. No objections had been received from Responsible Authorities. A representation had been received from the Police, stating that they had spoken to the Applicant and had no objections subject to the imposition of conditions that had been accepted by the Applicant.

The Chairman invited the Applicant to put forward her submission.

Simone Tattersall explained that she had spoken at length with the Licensing Section and on their advice had applied for the very earliest she would want to open and the very latest she would want to close. This was to give as much scope as possible for the business without needing to apply for Temporary Event Notices. She emphasised that there was no intention to operate as a nightclub or have daily live music. Normal operating hours would be from 11 am until 11 pm, and possibly slightly later at weekends. There would be no external speakers and no intention to hold regular live music inside or outside the premises. There would be amplified music inside the building. The walls of the building were insulated and soundproofed. There would be low lighting outside the building. She stated that the Gunton Arms had been operated (under the same ownership as the Suffield Arms) for 10 years without any issues with the Police or NNDC Licensing, even when summer festivals had been held, and always in adherence with all rules and regulations. It was the intention to be part of the community and operate a business within it.

The Chairman asked the Applicant

- if there was a good neighbour policy in place;
- if it was intended to provide accommodation in the building at some point;
- if it was intended to have multiple personal licence holders as part of the staffing arrangements and if one of them would be the Designated Premises Supervisor; and
- to what demographic would the premises be marketed.

Ms Tattersall explained that if it had not been for the pandemic, local residents would have been invited to look inside the building before opening to see the changes that had been made. She understood that people were reticent because of the way the business had operated in the past, but the current owners did not operate that business and it was intended to open the pub so that people could enjoy it. There were no plans to provide accommodation other than for the head chef who would live on site for security purposes. All managers would hold a personal licence by the time the premises opened. She introduced Tracey Manning, who would be the General Manager and Designated Premises Supervisor for the Suffield Arms. She explained that the owner of the Gunton Arms was an art dealer and it would be marketed towards that demographic, and to people who enjoyed a good meal and lived locally and further afield, guests of the Gunton Arms and for the community.

The Licensing Enforcement Officer drew attention to page 34 of the agenda papers, which outlined the measures proposed by the Applicant for upholding the four licensing objectives. These would be attached as conditions of the licence.

Councillor J Rest asked why the Applicant wanted an off licence until 2 am, and if alcohol sold in this way would be in sealed containers.

Ms Tattersall explained that sometimes people wanted to take a bottle of wine home after a meal and this would enable them to do so. It was not the intention to operate as an off licence until 2 am. She confirmed that the alcohol would be sold in sealed bottles.

The Licensing Enforcement Officer clarified that off sales were for consumption off the premises in sealed containers.

In response to a request for clarification by Councillor A Yiasimi, the Licensing Enforcement Officer explained that failure to carry out the measures proposed for

upholding the licensing objectives would constitute a breach of condition under the Licensing Act.

In response to a question by the Chairman regarding the monitoring of noise nuisance, the Licensing Enforcement Officer explained that in the event of consistent complaints about noise, the matter would be investigated by Environmental Health and if the complaints were upheld any necessary action would be taken under the relevant primary legislation.

The Legal Advisor asked the Applicant if it was intended that live music would be played outdoors, and if so, how often it would take place and for how long.

Ms Tattersall explained that it had been included in the application as a belt and braces for any future plans. There were currently no plans to hold an outside music event, but if so it would end by 11 pm. She realised that this had been a contentious issue under the previous owner and did not wish to inflame the local community. Recorded music would be played at low level in the bar, or the television amplified if people were watching sport, and only within normal operating hours.

At the request of the Legal Advisor, the Licensing Enforcement Officer explained that if a licence was granted for the sale of alcohol, there would be an automatic right to have live music, recorded music and regulated entertainment from 8am until 11pm. It was necessary to apply for those activities to be added to the licence outside of those hours.

Councillor Rest asked if the applicants would provide signage to remind customers that there were people living nearby and to leave quietly, if they would monitor such noise, and if there was a legal duty to display signage.

Ms Tattersall confirmed that signage would be erected and explained that the Gunton Arms worked with local taxi firms to ensure they would usually wait in the car park to pick up fares from people who had drunk more than they had intended. There had never been any issue at that premises with clearing the building and people leaving in an orderly manner.

The Licensing Enforcement Officer drew attention to the conditions requested by Environmental Health to require the DPS or their delegate to answer complaints at the time they were made and to erect notices asking customers to leave quietly.

The Chairman invited the objectors to make their comments and ask questions.

Chris Burden stated that he and his wife lived 300m across the fields from the Suffield Arms. Over the past four years, noise related to construction work at the premises could be heard all the time, but they had put up with it thinking it would be a traditional pub. He was retired and his wife ran a bed and breakfast business, aimed at people who came for peace and quiet, which may have to close if noise continued beyond 11 pm. He referred to a line of properties that could be seen in a photograph he had submitted in his representations. He, and other residents, considered that Conservation Area status gave legal protection against the intrusion of sound and light. He stated that there had been a number of planning applications since the purchase of the Suffield Arms in 2016 which veered away from what residents had expected. He considered that the comment in the Parish Clerk's representation that the majority of the community welcomed the facility could not be correct as no survey had been carried out. He referred to the minutes of a Parish Council meeting which expressed concerns over live music and extended opening

hours and requested the Clerk to make representations on that basis. In the light of new information regarding the use of the premises he considered that it would not be for local people but for people coming in from outside the locality.

Ms Tattersall explained that the pub had a traditional bar in the front, with a dining room that would seat 80 people further into the building, which would serve Mediterranean-led food.

At the request of the Chairman, the Licensing Enforcement Officer referred to the representation from Southrepps Parish Council that had been included in the papers, requesting that part 3 of the operating schedule should be reduced from 11pm until 5am to 11pm until 2am. However, the application form sought a late night refreshment licence to operate from 11pm until 2am and not 5am.

Meryl Rushmere asked how many traditional pubs in the area had a licence until 2am in the morning and whether the off licence meant that she could go to buy drink at midnight having not dined at the premises. She stated that it had been established that the demographic was not local. She also asked if there were plans to develop land that had been purchased with the building.

The Licensing Enforcement Officer explained that there were quite a lot of pubs with late licences in North Norfolk and the District had the majority of 24/7 licences outside of London. With regard to the off licence element, alcohol could be sold to anyone during those hours but it would be up to the proprietors to decide if they wished to do so. The operator had already said that it was not intended to run an off licence in the same way as a supermarket.

Ms Tattersall confirmed that it was not the intention to develop the additional land.

The Legal Advisor reminded the representatives to confine their comments to the four licensing objectives.

Ruth Brumby stated that she was reassured by what Ms Tattersall had said, but requested that everything was conditioned to give legal protection. She was concerned that public nuisance and danger from traffic could occur given the number of people it was intended to serve. She considered that it would be more appropriate to apply for temporary event notices if it was not intended to hold many events. She did not feel protected by the open ended licence.

Sheila Robinson considered that everyone would feel more comfortable if the outside space was removed from the application if it were not intended to use it for music.

Anna Kloczkov stated that she lived in Upper Southrepps and she was aware that noise travelled a long way, especially late at night. She considered that the use of the narrow, quiet lanes by traffic would impact on people in Lower and Upper Southrepps.

There being no further questions or comments, Ms Tattersall made her closing statement. She stated that the applicants had operated a successful business at the Gunton Arms for 10 years without breaking any licensing objectives, and did not wish to break the already good relationship with the local community.

The Chairman thanked everybody who had contributed to the meeting.

The Legal Advisor explained that she would remain with the Panel for the purpose of assisting with the formulation of facts and reasons for the Panel's decision, but would not take part in the decision making. All parties would receive written notification of the decision within 5 working days of the meeting as required by the legislation.

The Panel retired at 10.48 am.

RESOLVED

That the Licence be granted, subject to:

- **the mandatory conditions;**
- **conditions consistent with the operating schedule; and**
- **conditions agreed with Norfolk Constabulary to address the prevention of crime and disorder requiring that Challenge 25 will be implemented; a refusals register is maintained; and that CCTV images will be stored for 28 days and made available to the authorities on reasonable request.**

The meeting ended at 10.48 am.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Monday, 24 May 2021
at the Council Chamber - Council Offices at 10.00 am

Committee Mrs P Grove-Jones (Chairman) Mr P Fisher
Members Present: Mrs G Perry-Warnes

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

It was noted that the Licence Holder's representative was known to Members of the Sub-Committee.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A (as amended) to the Act.

5 (WK/210002362) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Mr S Heels, Chair of North Norfolk Taxi and Private Hire Association (representing the Licence Holder)

The Members of the Panel and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to a review of a licence to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where the Licence Holder's DBS check had revealed a Police caution. The Licensing Authority had no record of having been notified of the caution by the Licence Holder.

The Licensing Enforcement Officer responded to questions by the Legal Advisor with regard to the date of the DBS, length of time the Licence Holder had held a taxi licence and the requirements for notifying the Council of a conviction. She confirmed that no complaints had been received regarding the Licence Holder.

Mr Heels asked the Licensing Enforcement Officer to confirm that the Council had no record of the offence being reported but could not categorically confirm that the Licence Holder had not done so.

The Licensing Enforcement Officer stated that the Council had no record that the offence had been reported, and that she had checked the Licensing Team's records and Post Room records.

The Chairman invited Mr Heels to present the Licence Holder's case.

Mr Heels explained that the caution related to a 1m metal bar that had been spotted in the open boot of the Licence Holder's car by a Police Officer at a time of high terror alert. The Police Officer had not accepted the Licence Holder's explanation that he carried the bar to assist with changing a wheel and had arrested him. Mr Heels added that he carried a similar bar for that purpose, as did many taxi drivers, as it gave better leverage than the one supplied with the vehicle.

Mr Heels answered questions by the Sub-Committee and Licensing Enforcement Officer regarding the incident.

Mr Heels cited his own experience of applying for licences for his vehicles where the Council could find no record of one of the applications that he had submitted. He stated that during discussions on the review of the Taxi Handbook and Policy, requests had been made for the Council to routinely acknowledge receipt of correspondence.

The Licensing Enforcement Officer explained how correspondence was handled and stated that an acknowledgement could be sent if an email address was provided. The Chairman requested that Mr Heels feed back to the members of his Association.

Councillor Mrs Perry-Warnes asked if the Licence Holder had said that he had notified the Council of his caution, how such notification would be handled by the Council and how it would affect the renewal of a licence.

Mr Heels explained that the Licence Holder was not computer literate and could not be certain that he had notified the Council of the caution.

The Licensing Enforcement Officer explained that notifications would be recorded on the Licensing database and a subsequent renewal application would be heard by the Sub-Committee.

Councillor Mrs Perry-Warnes asked Mr Heels if it was likely that someone would follow up a lack of response from the Council to a notification.

Mr Heels explained that the Licensing Department did not routinely respond to correspondence so they would not expect to hear anything back.

The Chairman requested that Mr Heels inform his members that they should make a note of when they sent notifications of points etc. to the Council so it was easier to

ascertain that it had been done.

Mr Heels stated that since his involvement with the Association he had become aware of the varying levels of literacy among the driving profession, with some having difficulty with basic literacy or technology.

The Licensing Enforcement Officer stated that literacy was not a mitigating factor and someone else must be able to carry out those tasks for them.

The Chairman asked if the Licence Holder had appeared before the Sub-Committee since 2012.

The Licensing Enforcement Officer stated that she was not aware of the Licence Holder appearing before the Sub-Committee.

The Licensing Enforcement Officer responded to questions in respect of items that could be carried by drivers for protection. She mentioned other aspects of the driving work carried out by the Licence Holder.

There being no further questions, the Chairman invited Mr Heels to make a closing statement.

Mr Heels stated that the Licence Holder had asked him to highlight that the Licence Holder had received many awards in his professional driving career.

The Sub-Committee retired at 10.40 am and returned at 12 noon.

RESOLVED

That the Licence Holder is found to be a fit and proper person to continue to hold a Licence to drive Hackney Carriage and Private Hire Vehicles and that a condition be attached to his licence to require that Mr Steve Heels, as his representative, is to keep a record of any transaction that the Licence Holder has with the Council's Licensing Team.

The meeting ended at 12.10 pm.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 25 August 2021 at the Council Chamber - Council Offices at 10.00 am

Committee Mr H Blathwayt Mr N Lloyd
Members Present: Mr J Rest

Officers in Attendance: Licensing Enforcement Officer, Trainee Solicitor and Democratic Services & Governance Officer (Regulatory)

1 TO RECEIVE APOLOGIES FOR ABSENCE

Councillor H Blathwayt chaired the meeting in place of Councillor P Bütikofer, who was unable to attend.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A (as amended) to the Act.

5 (WK/210008727) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Members of the Panel and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to an application for a licence to drive Hackney Carriage or Private Hire vehicles where there were matters on the Applicant's DBS check that required consideration.

The Applicant explained that he had not included his conviction on his application form as the offence had been taken into account when his previous NNDC taxi licence had been granted and he had received no further convictions since then. He apologised for his mistake. He gave details of the speeding offences he had declared on the form.

At the request of the Legal Advisor, the Licensing Enforcement Officer confirmed that the Applicant's previous licence had been granted after the date of his conviction.

The Chairman asked if there had been any complaints about the Applicant or other issues on record during the period when he had previously held a licence.

The Licensing Enforcement Officer stated that she would need to check and that this case had been dealt with as a new driver application. She confirmed that the Applicant had previously appeared before the Sub-Committee.

In response to questions from the Legal Advisor and the Chairman, the Licensing Enforcement Officer provided clarification in respect of the Applicant's referees and his prospective employer.

The Applicant declined the Chairman's invitation to present his case as he had nothing further to say.

The Sub-Committee questioned the Applicant.

The Applicant confirmed that he had no further convictions since the one considered at the time his previous licence had been granted, and explained the circumstances that had led to his conviction. He provided further clarification in respect of his references. He explained that he had stopped taxi driving due to personal circumstances. He had done other work in the meantime but found nothing to his liking and was looking forward to getting back to taxi work.

The Legal Advisor referred to the Taxi Licensing Policy and the requirement to consider each application on its merits. She advised that the Sub-Committee should have regard to the nature, seriousness, date and relevance of the offence and that conditional discharges were given for the least serious offences. She advised the Sub-Committee to have regard to public safety and the test as to whether or not they would be happy to allow a person they cared for to get into a taxi with the Applicant.

The Sub-Committee retired at 10.24 am and returned at 10.45 am.

The Legal Advisor explained that the Licensing Enforcement Officer had now provided the Sub-Committee with information relating to the Applicant's previous history.

The Chairman stated that in the light of the further information provided it was necessary to reconvene the meeting.

The Sub-Committee questioned the Applicant and Licensing Enforcement Officer in respect of complaints that had been received from a member of the public against the Applicant. It was noted that no action had been taken in respect of those complaints.

The Sub-Committee and Legal Advisor questioned the Applicant and the Licensing Enforcement Officer in respect of the circumstances in which the Applicant's previous licence had been revoked. The Licensing Enforcement Officer explained that the licence had been revoked with immediate effect under the Council's policy, although no action had been taken by the Police in connection with the matter in question. The Applicant subsequently applied for a new Licence, which was granted

by the Licensing Sub-Committee having taken this incident into account.

The Licensing Enforcement Officer explained that the second revocation had been a Committee decision due to matters relating to the Applicant's DVLA licence. She reminded the Sub-Committee that it should establish whether or not the Applicant was a fit and proper person to hold a taxi licence.

In response to questions from the Chairman in respect of the completion of the application form, the Licensing Enforcement Officer read out the explanatory note at 14.1 of the form and stated that applicants were only required to include convictions. She would have expected the Applicant to include the incident involving the Police and subsequent action taken by the Authority on the form.

The Applicant explained why he had not included details of the incident involving the Police and reiterated that he had not included the conviction as it had been considered previously.

The Licensing Enforcement Officer explained that she had interrogated the computer system and the other issues had come to light as the Applicant's licences had been issued under different numbers.

In response to questions by the Sub-Committee, the Applicant gave further information relating to the circumstances of the incident that had led to the revocation of his first licence and explained that it had been a one-off incident, which he regretted. He explained his current circumstances and stated that he was in a good place now.

The Sub-Committee retired at 11.08 am and returned at 12.58 pm.

The Chairman read the Determination Notice.

RESOLVED

That a licence be granted for one year subject to a condition that the Applicant supplies a fresh Disclosure and Barring Service report with his renewal application.

The Sub-Committee also recommended that the Minutes of this meeting and Determination Notice be taken into consideration by any future Sub-Committee meeting involving the Applicant.

The meeting ended at 1.09 pm.

Chairman

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Declarations of Interest at Meetings

When declaring an interest at a meeting, Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate to any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

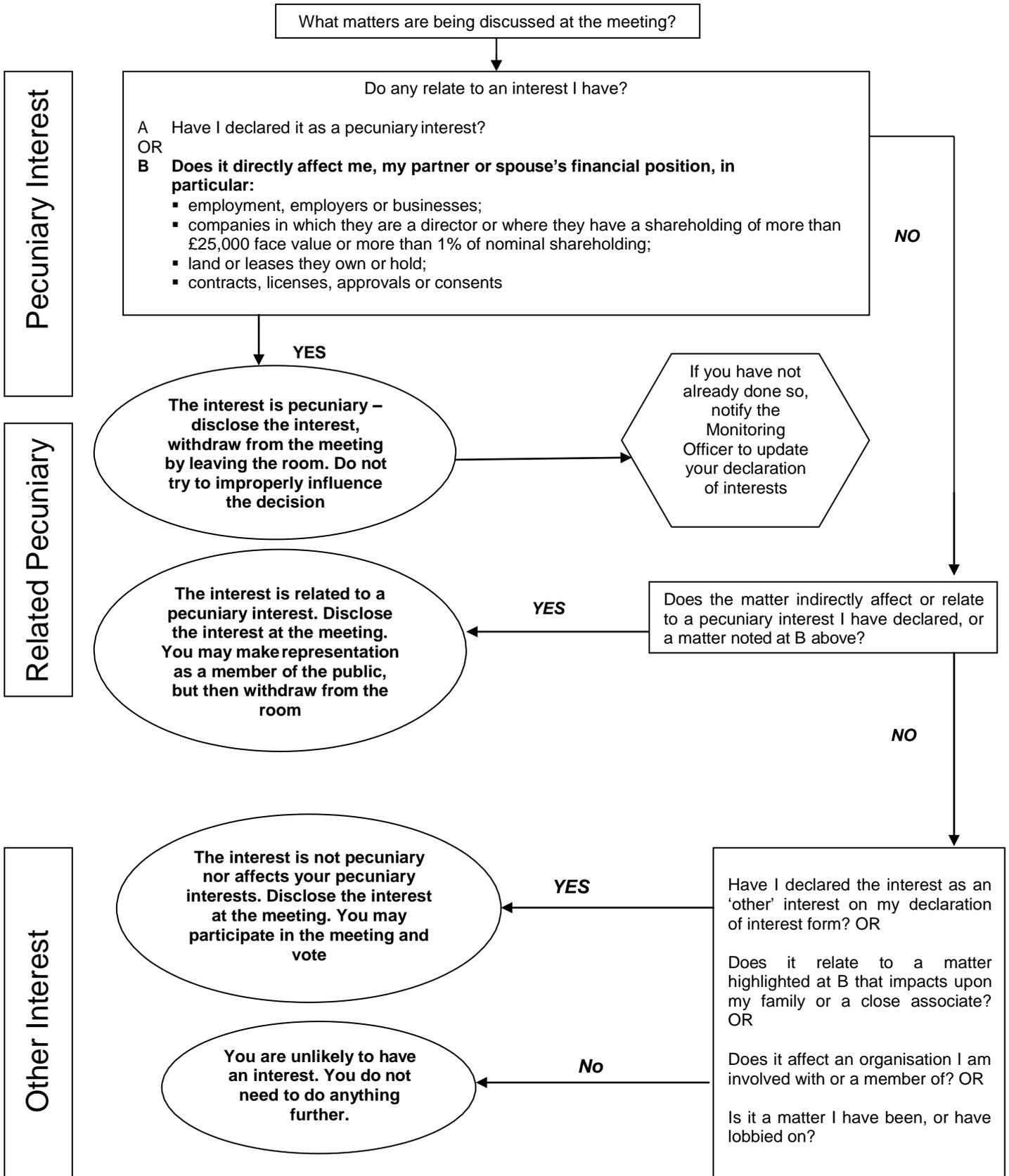
FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DEVELOPMENT COMMITTEE MEMBERS SHOULD ALSO REFER TO THE PLANNING PROTOCOL

Declarations of Interest at Meetings

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



REVIEW OF GAMBLING AND LICENSING POLICIES

Summary: To present draft revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005.

Conclusions: Approval of the Licensing Policy and to note and make any comments on the draft Gambling Policy which is to be approved formally by Full Council.

Recommendations: That the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and that these are then published in accordance with legislative requirements.

Cabinet Member(s) Councillor Nigel Lloyd – Portfolio Holder Councillor Dr Pierre Bütikofer - Chair of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Lara Clare 01263 516252 lara.clare@north-norfolk.gov.uk	

1. Background

- 1.1 Two of the major regulatory regimes under which the Council has statutory responsibilities are the licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003; and of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005.
- 1.2 A more detailed overview and relevant documents are included later in the report and appendices. Both of these Acts require licensing authorities to publish written policies, setting out how they intend to exercise the licensing and enforcement powers conveyed to them under the Acts, the principles that they will follow, and their expectations of licensees. These policies must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area. North Norfolk District Council last reviewed its licensing policies in 2010
- 1.3 North Norfolk District Council last reviewed its licensing policies in 2015 (Licensing Act 2003) and 2018 (Gambling Act 2005). Both policies are due for review and replacement. Licensing Act 2003 by January 2021 and the Gambling Act 2005 by January 2022, in order to satisfy the statutory requirements of the Acts. (The timescale for the Licensing Act was not met due to the global pandemic and dealing with Covid –19 (however a 2021 issue date is still expected).

- 1.4 Officers have prepared the revised licensing policy documents under both Acts to take into account any recent legislative change and case law. These documents can be found in **Appendix 1** (Licensing) and **Appendix 2** (Gambling).
 - 1.5 Both Acts specify a number of requirements for consultation on policy change, including lists of the categories of people who should be consulted, and the 6- week consultation on the revised policies has been carried out with regard to these requirements, and to the Government's consultation principles.
 - 1.6 The final decision to adopt or revise a licensing policy under these Acts must be made by Full Council. The Committee will be asked to resolve to recommend the adoption of the revised Licensing Policy and to agree the Gambling Policy which has been presented to Full Council (with any additional revisions after considering the consultation responses).
 - 1.7 To date we have not received any consultation responses to either policy
- 2. Changes to the Statement of Principles of Licensing Policy (Licensing Act 2003)**
- 2.1 The proposed draft Statement has undergone a thorough review, with a number of changes being made to bring the policy up to date and in line with the latest [Section 182 Guidance](#) document (published April 2018 changes can be seen in, the attached, **Appendix 1**
 - 2.2 That said, there are no major changes proposed to the policies adopted by the licensing authority, nor the approach that will be taken to the exercise of functions under the Act. The amendments made aim to improve the advice and statements of expectations made to licensed businesses, current and prospective, and to other persons affected by those businesses
 - 2.3 The update policy will be approved and issued as soon as reasonably practicable before the end of 2021.
- 3 Changes to the Gambling Licensing Policy (Statement of Principles) (Gambling Act 2005)**
- 3.1 The gambling legislation has seen far fewer changes in recent years, with the majority of amendments affecting the regulation of remote gambling, regulated by the Gambling Commission, rather than non-remote gambling which falls to licensing authorities. As a consequence, fewer changes have been proposed to the Statement of Principles.
 - 3.2 Generally the Policy remains substantially unchanged, save for some tidying up to remove duplication and to improve ease of use. The changes can be seen (as track changes) in **Appendix 2**.
 - 3.3 New sections have been added in respect of the Cultural Activities, Planning, Review Process, Promotion of Equality and Entitlement to Work in the UK. These changes are in line with the [Gambling Commission's guidance](#) to licensing authorities.
 - 3.4 The updated policy will be approved and issued on 31st January 2022.

4 Implications and Risks

4.1 None

5 Financial Implications and Risks

5.1 None

6 Sustainability

6.1 Not Applicable to this report.

7 Equality and Diversity

7.1 Not Applicable to this report.

8 Section 17 Crime and Disorder considerations

8.1 Not Applicable to this report.

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Version Control for QMS Documents
PDF version available for website

Date Changes Made	Originator	Sections Changed	Approved By	Version Number	Next Review Date
29/09/07	Tony Gent	New Document	Chris Cawley	1.0	
11/08/10	Chris Cawley	revision generally prior to consultation	Chris Cawley	1.1	
24/11/10	Chris Cawley	revision after consultation prior to approval	Chris Cawley	1.2	
15/12/10	Chris Cawley	New version adopted by Full Council	Chris Cawley	2.0	
20/08/15	Gemma Faircloth	New version adopted by Full Council	Steve Hems	3.0	April 2020
20/07/21	Lara Clare/Tracy Howard	New version to be adopted by Full Council	Tracy Howard/Emily Capps	4.0	Aug 2025 to be effective Jan 2026



NORTH NORFOLK DISTRICT COUNCIL

Licensing Policy

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www.northnorfolk.gov.uk

Approved by Licensing Committee on: 2021
Approved by Council on: 2021
Effective: 2021

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North Norfolk District Council

Licensing Policy 2021-2026

1 Introduction and Summary

- 1.1 North Norfolk District Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 North Norfolk is one of the 7 Districts which make up the county of Norfolk. It is predominantly a rural area with 5 market towns covering some 400 square miles with a population of approximately 105,000. There are approximately 1000 licences issued annually for public houses, restaurants, clubs, community centres and halls in the District where alcohol is sold or entertainment is provided on a regular or occasional basis and there are retail outlets for the sale of alcohol. Under the terms of the Licensing Act, the retail sale of alcohol and the provision of regulated entertainment can only take place in suitable premises that have been licensed by the Council and the people operating and managing these premises must hold appropriate licences.
- 1.3 This policy sets out the manner in which applications for licences, which are required by the Licensing Act 2003, will be considered by North Norfolk District Council.
- 1.4 Each application will be considered on its individual merits.
- 1.5 The policy will not seek to introduce 'zones' where specific activities are concentrated.
- 1.6 The policy will not be used to fix the hours during which alcohol can be sold and, in general, shops will be permitted to sell alcohol during the hours, which they are normally open for trade.
- 1.7 This policy statement will not seek to regulate matters which are provided for in any other legislation e.g. planning, health and safety, employment rights, fire safety etc.

- 1.8 The licensing authority wishes to encourage licensees to provide a wide range of entertainment activities within the District throughout their opening hours and to promote live music, dance, theatre etc for the wider cultural and social benefit of the community.
- 1.9 The activities which require a licence under the provisions of the Licensing Act 2003 and which this policy statement covers include:
- Retail sale of alcohol
 - Supply of alcohol to club members
 - Provision of 'regulated entertainment' – to the public, to club members or with a view to profit
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment (indoor or outdoor)
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Entertainment of a similar description to a performance of live music, any playing of recorder music or a performance of dance
 - The provision of late night refreshment (i.e. supply of hot food and/or drink from any premises between 11pm and 5am).
- 1.10 Deregulation exempted certain activities from the scope of licensing. The Live Music Act 2013, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 have exempted entertainment from needing to be authorised under the Act in certain instances. Therefore reference should be made to current legislation and Home Office Revised Guidance issued under section 182 of the Act. [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) to confirm which activities require a licence.
- 1.11 The licensing authority may **not** specify conditions relating to public nuisance and child protection, for entertainment which is not amplified and takes place between 08:00 hours and 23:00 hours.
- 1.11 The licensing objectives set out in the Licensing Act 2003 include 'the protection of children from harm'. The Council is aware of significant problems arising from and associated with under age drinking. In its role as licensing authority, the Council will take all possible steps, with the other designated authorities, to ensure that alcohol is not sold or supplied to children.
- 1.12 This policy shall apply to all applications and notices given under the Act in respect of the following:
- Premises licences
 - Club Premises Certificates
 - Personal Licences
 - Temporary Event Notices

2 The Policy

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

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- the necessary protection of local residents, whose lives can be blighted by disturbance, and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;
 - the introduction of better and more proportionate regulation to give businesses, greater freedom and flexibility to meet customers expectations
 - greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
 - the encouragement of more family friendly premises where younger children can be free to go with the family;
 - the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities; and the regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring.
- 2.2 The 2003 Act further requires that the Council publishes a 'Statement of Licensing Policy' every five years that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council's first statement of Licensing Policy was adopted in October 2004 and used in determining licence applications from 2005.
- 2.3 During the five-year period the policy will be kept under review and the Council may make such revisions as considered appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
- 2.4 When determining applications for licences the Council must also have regard to this policy statement and to the Guidance issued under section 182 of the Licensing Act 2003.

- 2.5 Before publishing this policy statement the Council will consult with the following:
- the chief officer of police for the area (Norfolk Constabulary)
 - the fire authority for the area (Norfolk Fire Service)
 - persons/bodies representative of local holders of premises licences
 - persons/bodies representative of local holders of club premises certificates
 - persons/bodies representative of local holders of personal licenses; and
 - persons/bodies representative of businesses and residents in it area
- 2.6 The views of all these persons/bodies listed will be given appropriate weight when the policy is determined. It is recognised that it may be difficult to identify persons or bodies' representative for all parts of industry affected by the provisions of the 2003 Act, but the Council will make reasonable efforts to identify persons or bodies concerned.
- 2.7 In determining its policy, the Council will have regard to the guidance issued under Section 182 of the Licensing Act 2003 and give appropriate weight to the views of those it has consulted.

3 Main Principles

- 3.1 Nothing in the 'Statement of Policy' will:
- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, and/or
 - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act
- 3.2 Licensing is about regulating licensable activities on licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of individual licensee or club, i.e. the premises and its vicinity.
- 3.3 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In dispute, the question will ultimately be decided by the courts. When considering these matters, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 3.4 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 3.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the district.
- 3.6 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. In this respect, the Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- 3.7
- Planning and environmental health controls
 - CCTV
 - Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments
 - To designate of parts of the District as places where alcohol may not be consumed publicly
 - Regular liaison with Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
 - The power of the police, other responsible authority or a local resident or business or District Councillor to seek a review of the licence or certificate

4 Crime and Disorder

- 4.1 The Council acknowledges that the Police are the main source of advice on crime and disorder.
- 4.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business.
- 4.3 Applicants are recommended to seek advice from Council Licensing Officers and Police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural, community engagement and crime prevention strategies, when preparing their plans and Schedules.

- 4.4 In addition to the requirements for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in North Norfolk's District. The Local Authority also acknowledges powers contained within the Violent Crime Reduction Act 2006.
- 4.5 The Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises, and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder.
- 4.6 New psychoactive substances (NPS) mimic the effects of illegal drugs (like cocaine, cannabis and ecstasy) while being designed to evade controls. The sale of new psychoactive substances (NPS) – so called “legal highs” – is not regulated under the 2003 Act. However, the licensing authority will consider whether conditions are appropriate to prevent the sale of such products alongside the sale of alcohol at a licensed premises, including at off-licences, or, for example, for on-trade premises to impose a door policy. Some NPS products may contain controlled drugs, and therefore be illegal, in which case the Licensing Authority will involve the Police and consider applying for a review of the premises licence on crime and disorder grounds. But some NPS are not illegal. There is evidence that such NPS products can cause harms, particularly if taken in combination with alcohol.

Cumulative Impact

- 4.7 The Council will not take ‘need’ into account when considering an application, as this is a matter for planning control and the market. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.
- 4.8 Representations may be received from a responsible authority/ interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating unacceptable problems of disorder and nuisance over and above the impact from the individual premises.
- 4.9 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
- 4.10 The Council will take the following steps when considering whether to adopt a special saturation policy:
- identification of serious concern from a responsible authority or representatives of residents about nuisance and disorder

- where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
 - assessing the causes
 - adopting a policy about future licence applications from that area
- 4.11 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 4.12 The Council will not use such policies solely:
- as the grounds for suspension or revocation of a licence when representations are received about problems with existing licensed premises, or,
 - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits

5 Public Safety

- 5.1 Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.
- 5.2 A number of matters should be considered in relation to public safety, these could include:
- Fire safety
 - Ensuring appropriate access for emergency services such as ambulances
 - Good communication with local authorities and emergency services
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits
 - Ensuring the safety of people when leaving the premises (for example through the provision of information on late-night transportation)
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles
 - Ensuring appropriate limits on the maximum capacity of the premises; and
 - Considering the use of CCTV.
- 5.3 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. The Council expects applicants to consider, when making their application, which steps it is

appropriate to take to promote the public safety objective and demonstrate how they will achieve that.

- 5.4 Whenever security operatives/door supervisors are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises. If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.
- 5.5 The Council will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Safety'

6 Prevention of Public Nuisance

- 6.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 6.2 The concerns mainly relate to noise nuisance, light pollution and noxious smells and due regard will be taken of the impact these may have. The Council will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Protection Service before preparing their plans and Schedules. The Council expects operating schedules to satisfactorily address these issues, as appropriate.
- 6.3 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance'.

7 Prevention of Harm to Children

Access to Licensed Premises

- 7.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 7.2 The 2003 Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.
- 7.3 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. Between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the new offences created by the 2003 Act.
- 7.4 The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:

- Where there have been convictions for serving alcohol to minors or with a reputation for allowing underage drinking or proxy sales
 - There is a known association with drug taking or dealing
 - It is known that unaccompanied children have been allowed access
 - Where adult entertainment is provided
 - In some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises
- 7.5 The Council recognises the Norfolk Safeguarding Children's Board as the lead responsible authority in relation to the protection of children from harm.
- 7.6 The Council will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Restrictions on the hours when children may be present
 - Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place
 - Restrictions on the parts of the premises to which children may have access
 - Age restrictions (below 18)
 - Restrictions or exclusion when certain activities are taking place
 - Requirements for an accompanying adult
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 7.7 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 7.8 The 2003 Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially prohibiting the sale and supply of alcohol to children.

Access to Cinemas

- 7.9 In the case of premises giving film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.

Children and Public Entertainment

- 7.10 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.

- 7.11 Where entertainment requiring a licence is specially presented for children, the Council will require the presence of an appropriate number of adult staff to ensure public safety and their protection from harm.
- 7.12 The Council will expect the submitted Operating Schedules to satisfactorily address these issues.
- 7.13 The Council will consider attaching Conditions to licences and permissions to prevent harm to children, and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from Harm.
- 7.14 As agencies regulated under section 11 of the Children Act 2004, the licensing authority is obliged to have in place safeguarding processes. The licensing authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 7.15 The Act provides a legal responsibility to make sure that children and young people are protected from harm at licensed premises. The Guidance requires that children must be protected from “physical, psychological and moral harm”, premises allowing access to persons under the age of 18 are expected to have systems in place to safeguard children and young people. For further details of the safeguarding of children in licensed premises please see the Child Sexual Exploitation Leaflet on the following webpage: https://www.safeguardingsheffieldchildren.org/assets/1/child_sexual_exploitation_leaflet_v2.pdf.
- 7.16 The authority recognises that vulnerable persons can also include adults.

Adult Entertainment

- 7.17 Where regulated entertainment provided on premises is commonly of an adult or sexual nature the licensing authority may, where relevant representations are received, give appropriate and additional consideration as to whether to grant a premises licence when the premises are in the vicinity of:
- Residential housing
 - Schools
 - Play areas
 - Children’s nurseries or preschool facilities
 - Places of religious worship or education
 - Historic buildings
 - Tourist attractions
 - Predominantly family shopping areas
 - Community facilities or public buildings e.g. youth clubs, libraries and sports centres
- 7.18 In so far as it relates to the licensing objectives, and taking into account location, the licensing authority may determine the nature of any external signage for premises providing adult entertainment. The licensing authority will

also request via a condition that the entertainment occurring on the premises should only be visible to those who have chosen to enter, regardless of the location.

- 7.19 The licensing authority is especially concerned that premises providing adult entertainment promote the protection of children from harm objective and will expect operating schedules to address this by adopting strict entrance policies, security measures and staff training and management policies to ensure that this and the other licensing objectives are promoted.
- 7.20 North Norfolk District Council has resolved to adopt schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, in relation to lap dancing and other sexual entertainment venues and the Licensing and Regulatory Committee will have regard to this when an application is made to operate such a venue.

8 Licensing Hours

- 8.1 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas.

Shops, Stores and Supermarkets

- 8.2 The Council will generally consider licensing shops; stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.
- 8.3 In doing so the Council will have due regard to the need to ensure that the times such premises are allowed to sell alcohol for consumption off the premises does not create issues of public nuisance and endanger public safety. For example, the Council may consider that there are very good reasons for restricting those hours where police representations are made in respect of isolated shops known to be the focus of disorder and disturbance.
- 8.4 It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

9 PARTNERSHIP WORKING AND INTEGRATING STRATEGIES

- 9.1 The revised Home Office Guidance issued under section 182 of The Act recommends that Statements of Licensing Policies (the Policy) should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and other relevant

plans. While many local strategies are not directly related to the promotion of the licensing objectives, they indirectly impact upon them.

We will therefore in conjunction with Norfolk's Licensing Forum endeavour to:

- Work with partner agencies that are involved either directly or indirectly in delivering the Policy, including responsible authorities, local businesses and the local community.
- Identify and galvanise new and existing opportunities to develop, strengthen and foster partnership in order to improve delivery of the Policy.
- Undertake consultation and communication on licensing issues with all licensees, communities and their representatives.
- Ensure pro-active enforcement in line with the council's Enforcement Policy in order to achieve the licensing objectives.
- Work to reduce crime and disorder where it exists in close proximity to licensed premises.

- 9.1 There are many stakeholders in the hospitality leisure and tourism industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 9.2 Many of their strategies deal in part with the licensing function, and the Council will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism, community engagement and cultural strategies; and ensure sensitive implementation of the policy where compliance is required of non-professionals/volunteers.
- 9.3 The Council will arrange for protocols with the Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from those areas of towns and villages subject to congestion and thus avoid concentrations, which can produce disorder and disturbance.
- 9.4 Arrangements will be made for the Licensing Committees to receive reports on the following matters to ensure these are reflected in their decisions:
- the needs of the local tourist economy, community engagement and cultural strategy for the North Norfolk District, and,
 - the employment situation in the North Norfolk District and the need for investment and employment where appropriate
 - Police reports on crime and disorder in the North Norfolk District
- 9.5 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications are independent of the planning application process and permissions.

- 9.6 The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. However, some regulations do not cover the unique circumstances of some entertainment and the Council will consider attaching Conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

10 Standard Conditions

- 10.1 The Council will not impose conditions unless it has received a representation from a responsible authority, such as the police, environmental health officer or other persons, such as a local resident or local business, which is a relevant representation, or is offered in the applicants Operating Schedule. Any conditions will be proportional and appropriate to achieve the Licensing Objectives

11 Enforcement

- 11.1 Once licensed, it is essential premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and the Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 11.2 The Council has an enforcement protocol, agreed with all seven Norfolk Local Authorities, Norfolk Constabulary, Norfolk Fire Service, Customs and Excise and Trading Standards. This should provide for a more efficient deployment of staff and police officers who are commonly engaged in enforcing licensing law and inspection of licensed premises. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises, which are shown to be well managed and maintained.
- 11.3 All enforcement actions taken by the Council will comply with the Councils Enforcement Policy and the Enforcement Concordat, which the Council has adopted. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 11.4 A closure power is provided for in the Anti-Social Behaviour, Crime and Policing Act 2014 which replaces section 161 of the Act. This new closure power can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. Further guidance on this power can be found on the gov.uk website, under the Anti-Social Behaviour, Crime and Policing Act: anti-social behaviour guidance.

Licence Fees

- 11.5 The licensing authority will suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. 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 and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 11.6 Should a licence or certificate be suspended; the licensing authority will notify the holder in writing specifying the date on which the suspension will take effect; this date will be at least five clear working days after the day the authority gives the notice.
- 11.7 A suspension will cease to have effect on the day on which the licensing authority receives payment of the annual fee from the licence or certificate holder.
- 11.8 Norfolk Constabulary Licensing Team will be informed of the suspension and removal of suspension.
- 11.9 The relevant fee for the premises licence is based on the rateable value of the premises. The fee structure is set by the government, not the council. The rateable value of your property can be found on the Valuation Office Agency website (GOV.UK)
- 11.10 Any premises where a licensable activity is carried out must be licensed. Otherwise, this will be an unauthorised licensable activity which carries a £20,000 fine and/or up to six months in prison.

12 Cultural Activities

- 12.1 The Council recognises the need to encourage the provision of a broad range of events in North Norfolk's District to promote live music, dance, theatre and other entertainments for enjoyment by a wide-cross section of the public.
- 12.2 When considering applications for regulated entertainment events, the Council will be conscious of the need for there to be a balance between the promotion of the entertainment, and concerns that are relevant to licensing objectives
- 11.3 The Council is aware of the need to avoid where possible attaching conditions to a premises licence, or club certificate, that may inadvertently deter live entertainment by imposing indirect costs of a disproportionate nature. For example, a blanket requirement that any pub providing live music entertainment must have door supervisors.
- 11.4 The Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 have exempted entertainment in certain instances.

13 Live Music, Dancing and Theatre

- 13.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 13.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Council will carefully balance the cultural and community needs with the necessity of promoting the licensing objectives.
- 13.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

14 Planning

- 14.1 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency.
- 14.2 Licensing applications will not enable a "re-hearing" of the Planning application and licensing decisions will not override decisions taken by the Planning Committee or permissions granted on appeal. There is no legal basis for the licensing authority to refuse a licence application because it does not have Planning permission.

- 14.3 There are circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

15 Temporary Event Notices

- 15.1 The Act requires that a minimum of 10-working days' notice must be given for a standard temporary event notice and a minimum of 5-working days' notice for a late temporary event notice. Section 193 of the 2003 Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 on England and Wales. "Working days" notice means working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 15.2 There is no discretion to relax either the 10-working days' notice or the five-working days' notice, so the Council encourage notice givers to provide the earliest possible notice within 12 months of event likely to take place. The maximum notice of 12 months should enable the Norfolk Constabulary and the Council's Public Protection Team to make sensible assessment as notices made too far in advance could lead to objections that could be otherwise avoided.

16 Personal Licences

- 16.1 An application for a personal licence and 'disclosure of convictions and declaration' form should be dated by the applicant within one calendar month of the application being received by the Council. This is to ensure that the information on application is as current as the basic disclosure.
- 16.2 If the Police object to the grant of a personal licence, the matter will be referred to a Licensing Sub-Committee for determination.
- 16.3 The Policing and Crime Act 2017 gives licensing authorities a discretionary power to revoke or suspend personal licences. The process which must be undertaken by the licensing authority is set out in section 132A of the 2003 Act. The decision to revoke or suspend a personal licence will be made by the Licensing Committee or Licensing Sub-Committee, but the actions required before making a final decision will be made by an officer.

17 Premises Licence/Club Premises Certificate Applications

- 17.1 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a plan, which will be endorsed and issued with the premises licence/ club premises certificate

- 17.2 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a 'certificate of display'. This acknowledges the applicants' understanding for the displaying notices and should avoid any undue delay in the application process.
- 17.3 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a 'certificate of service'. This acknowledges the applicants understanding for giving a copy of the application to the responsible authorities and should avoid any undue delay in the application process.
- 17.4 Where applications have to be advertised, licensing officers will routinely check that public notices are displayed at the premises and in a local newspaper as part of the application validation process.
- 17.5 North Norfolk District Council is required under the Licensing Act 2003 to suspend premises licenses and club premises certificates where the annual fee has not been paid. The Council will notify each licence holder/club when the annual fee is due setting out the fee that is due. Where the fee has not been paid or there has been no claim of administrative error, the Council will serve a notice to suspend the licence.

18 Review Process

- 18.1 The review process represents a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. At any stage, following the grant of a premises licence, a responsible authority, or other persons, may apply to the Council to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 18.2 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 18.3 The Council recognises that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, other persons and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. The

Council encourages the good practice for authorised persons and responsible authorities to give licence holder's early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

- 18.4 Where the request originates from other persons – e.g. a local resident, residents' association, local business or trade association – the Council will first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

19 Responsible Authorities and other persons

- 19.1 Responsible authorities are public bodies that are statutory consultees that must be notified of licensing applications. A list of the responsible authorities in respect of applications and notices made to the Council can be found on the following [link](#):

For all premises, responsible authorities includes:

- The Licensing Authority
 - The Chief Officer of Police
 - The local fire and rescue authority
 - The relevant enforcing authority under The Health and Safety at Work etc. Act 1974
 - Environmental Health
 - Planning
 - Social Services- responsible for, or interested in, matters relating to the protection of children from harm
 - Public Health
 - Trading Standards; and
 - Home Office Immigration Enforcement (on behalf of the Secretary of State)
- 18.2 When dealing with licensing applications for premises licences and club premises certificates the Council is obliged to consider representations from two categories of persons, referred to as 'responsible authorities' and 'other persons'. This allows for a broad range of comment to be received both for and against licensing applications.
- 18.3 The Council has carefully considered its role as the Licensing Authority as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the Public Protection Team. The Council does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be exceptional circumstances where this approach may be required.

20 Promotion of Equality

- 20.1 The Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 20.2 Information on the Councils approach and compliance with the Equalities Act 2010 can be found on the Councils website via the following [link](#):

21 Administration, Exercise and Delegation of Functions

- 21.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 21.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established Sub-Committees to deal with them.
- 21.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. The Council accepts the Secretary of State's recommendation and delegation will be achieved as set out in Annex A. This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 21.4 Regulation 24 of the Licensing Act 2003 (Hearings) Regulations requires the Council to give all parties at the licensing hearings an equal maximum period of time to present their case. For the purpose of this regulation it is the Council's policy that a maximum of 15 minutes will be allowed unless varied at the Chairman's discretion to allow flexibility where necessary.
- 21.5 Copies of applications and letters of representation will be included within the report to the Licensing Sub Committee and distributed prior to hearings. Applicants, responsible authorities and other persons wishing to present additional evidence in support of their application/ representation should do so at least 3-working days before the hearing starts. Failure to do so may result in the Licensing Sub Committee disregarding this additional information.

22 Other Relevant Matters

- 22.1 Adult entertainment. The Licensing Authority has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions. The Council acknowledges that there is an exemption which allows sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Premises using this exemption should ensure that procedures are in place to exclude children when entertainment of this nature is offered.
- 22.2 Gaming machines in licensed premises – automatic entitlement. There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D.

- 22.3 Gaming Machine Permit – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and the Council will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and such matters as the licensing officers consider relevant.
- 22.4 Exempt Gaming – Premises licensed under the Licensing Act 2003 may offer gaming such as poker and bingo provided the stakes and prizes do not exceed permitted levels. Details of these limits are available from the Council or the Gambling Commission.
- 22.5 Data Protection - The Licensing Authority also recognises its responsibilities under the Data Protection Act 2018, and the General Data Protection Regulations (GDPR) when it comes to handling and storing personal data, and has created a data retention and sharing policy which can be found on the Council's website via the following [link](#)

23 Portman Group Code of Practice

- 23.1 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Council commends the Code. Further details of the Portman Group Code of Practice can be found at Annex B

24 Entitlement to Work in the UK

- 24.1 Following an amendment to the 2003 Act by the Immigration Act 2016, individuals applying for a personal licence, a premises licence for the sale of alcohol or late night refreshment, must be entitled to work in the UK. If the applicant isn't entitled to work in the U.K., then the application must be rejected. However, this requirement does not apply to a premises licences for entertainment only, or a club premises certificate, or a TEN.
- 24.2 The Council in its role as the licensing authority will require applicants for the relevant licences to provide appropriate documented proof that they have permission to be in the UK and to undertake work in a licensable activity.

25 Further Advice

- 25.1 Information and advice on all aspects of licensing can be obtained by either:
- Visiting the Council's website www.north-norfolk.gov.uk
 - By email to licensing@north-norfolk.gov.uk
 - By telephone 01263 516189

- By writing to:

Licensing Team
North Norfolk District Council
Holt Road
Cromer
Norfolk
NR27 9EN

25.2 The Licensing Act 2003 and Guidance issued under Section 182 can be viewed on the Home Office Website at:

<https://www.gov.uk/government/organisations/home-office>

Annex A: Table of Delegations of Licensing Functions

Matter to be dealt with	Sub Committee	Officers
Application for personal Licence	If a police objection	If no objection made
Application for personal Licence with unspent convictions	All cases	
Application for premises licence/club premises Certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises Certificate	If a relevant representation made	If no relevant representation made
Application 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
Application for interim Authorities	If a police objection	All other cases
Application to review Premises licence/club Premises certificate	All cases	
Decision on whether a 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 a police objection to a temporary Event notice	All cases	
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases
Minor Variation to a Premises Licence/ Club Premises Certificate		All cases
Determination of application to vary premises licence at community premise to include alternative licence condition	If Police Objection	All other cases

Annex B: The Portman Group Code of Practice

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

Version Control for QMS Documents
PDF version available for website

Date Changes Made	Originator	Sections Changed	Approved By	Version Number	Next Review Date
19/11/12	Lara Clare	New Document	Chris Cawley	1.0	
	Lara Clare		Chris Cawley	2.0	
01/10/14	Nicky Davison	Update HMRC contact	Gemma Faircloth	3.0	
20/08/15	Gemma Faircloth	3 year revision	Steve Hems	4.0	April 2018
18/06/18	Gemma Faircloth	3-year revision; Minor changes following consultation responses, updated 10 Jan 2019	Steve Hems	5.0	April 2021
<u>22/07/21</u>	<u>Lara Clare</u>	<u>3 year revision</u> <u>Minor changes to include addition of public health and gambling at paragraph 15</u>	<u>Tracy Howard</u>	<u>6.0</u>	<u>April 2024</u>

NORTH NORFOLK DISTRICT COUNCIL



Gambling Licensing Policy (Statement of Principles)

North Norfolk District Council
Council Offices
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Recommended by Licensing and Appeals Committee on: ~~26 September~~
~~2018????????~~
Approved by Council on: ~~21 November 2018????????~~
Effective: ~~31 January 2019????????~~

**North Norfolk District Council
Gambling Act 2005
Statement of Principles
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PART A OVERVIEW

1 The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005 (hereafter referred to as the Act), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission (<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>)
 - reasonably consistent with the licensing objectives
 - in accordance with the Authority’s Gambling Licensing Policy Statement of Principles

2 Introduction

- 2.1 North Norfolk District Council is situated in the County of Norfolk, which contains seven District Councils in total. The Council area has a population of approximately ~~99,800~~105,00 covering an area of 400 square miles making it one of the smaller districts in Norfolk. The Council’s area is mainly rural/coastal ~~and has~~ 5 market towns. Licences that can be issued under the Gambling Act 2005 in North Norfolk District Council’s areas relate to, for example, betting shops, permitting gambling machines in licenced premises, family entertainment centres, adult gaming centres, bingo venues, and race tracks.
- 2.2 The mainstays of North Norfolk’s economies are tourism, agriculture and service industries. The majority of these sectors have suffered decline in employment and are prone to cyclical and seasonal variations.

- 2.3 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published. The Council’s first gambling policy was adopted on 1st November 2006.
- 2.4 North Norfolk District Council will consult widely upon this statement of principles before finalising and publishing. A list of persons who have been consulted is provided in **Annex 1**.
- 2.5 The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act
- 2.6 Our consultation took place between the 5 July 2018 and 3 September 2018 and followed HM Government Consultation Principles (published 2018), which is available at; <https://www.gov.uk/government/publications/consultation-principles-guidance>
- 2.7 The full list of any comments made and the consideration by the Council of those comments will be available by request to the Public Protection Manager at the Council.
- 2.8 The policy was approved at a meeting of the Full Council on the 21 November 2018 and was published via the Council’s website on the 14 January 2019.
- 2.9 Should you have any comments as regards this statement of principles please send them via email or letter to:
- [Public Protection](#)[The Licensing](#) Manager
[Public Protection Team](#)
North Norfolk District Council
Holt Road
Cromer
Norfolk
NR27 9EN
Public.Protection@north-norfolk.gov.uklicensing@north-norfolk.gov.uk
- 2.9 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3 Declaration

- 3.1 In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance to local authorities issued by the Gambling Commission and any responses from those consulted on the statement.

4 Responsible Authorities

- 4.1 The licensing authority is required to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 This Authority designates the Norfolk Local Safeguarding Children Board for this purpose, <https://www.norfolkscb.org/>.
- 4.3 The contact details of all the Responsible Authorities under the Act are attached at **Annex 2**.

5 Interested parties

- 5.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person;
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - b) has business interests that might be affected by the authorised activities
 - c) represents persons who satisfy paragraph (a) or (b)”
- 5.2 The licensing authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities. It will also consider the Gambling Commission's guidance that "has business interests" should be given the widest possible interpretation

and include partnerships, charities, faith groups and medical practices.

- Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represent the wards likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.3 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, then please contact the Councils Public Protection Team.

6 Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7 Enforcement

- 7.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This Licensing Authority's principles are it will be guided by the Gambling Commission's guidance for local authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed and costs identified and minimised
 - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny

- **Consistent:** rules and standards must be joined up and implemented fairly
 - **Transparent:** regulators should be open and keep regulations simple and user friendly
 - **Targeted:** regulations should be focused on the problem and minimise side effects
- 7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This Licensing Authority inspection programme will be risk-based and take into account;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - This statement of principles
- 7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

8 Licensing Authority functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - issue *Provisional Statements*
 - regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue *Club Machine Permits* to *Commercial Clubs*
 - grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register *small society lotteries* below prescribed thresholds
 - issue *Prize Gaming Permits*
 - receive and Endorse *Temporary Use Notices*
 - receive *Occasional Use Notices*
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')

- maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that Licensing Authorities are not involved in licensing remote gambling at all; this is regulated by the Gambling Commission via operating licences.

PART B
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9 General Principles

9.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is deemed to be appropriate to ensure licensing objectives are met.

10 Decision making

10.1 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

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

10.2 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – Paragraph 21) and also that unmet demand is not a criterion for a Licensing Authority.

11 Definition of "premises"

11.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Licensing Authority shall pay particular attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

11.2 The Gambling Commission states in its guidance to licensing authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for

the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the Licensing Officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

- 11.3 This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence
- 11.4 The guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates?
 - Is the premises’ neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 11.5 This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

12 The Gambling Commission’s relevant access provisions for each premises type

12.1 Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons

- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

12.2 Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

12.3 Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

12.4 Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

12.5 Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

12.6 Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

12.7 The Gambling Commission's guidance to licensing authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

13 Location

13.1 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

14 Local Area Profiling

- 14.1 The Social Responsibility Code, which is part of the Gambling Commissions, Licensing Conditions and Codes of Practice, most recently published in January 2018 (effective from 4 April 2018) requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises, and have policies, procedures and control measures to mitigate those risks. Additionally, applicants have to undertake a local assessment when applying for a new or variation of a premises licence, to take account of significant changes in the local circumstances or when there are significant changes at the licensee's premises.
- 14.2 Licensees should share their Risk Assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licenced premises, or otherwise on request.
- 14.3 The Licensing Authority is aware that there is no mandatory requirement to have a local area profile but recognises that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then these will be reflected in a separate document and made available from the Public Protection Team and on the Council's website.
- 14.4 Enquiries with relevant organisations have not revealed any data to suggest that there are any areas within the District that could be identified as a risk.

15 Public Health and Gambling

- 15.1 Norfolk County Council Public Health supports the national position of the Gambling Commission on the prevention of problem gambling¹, which the commission states should be a Public Health issue that is tackled in a comprehensive way alongside other public health issues like alcohol, drug misuse, or obesity, addressed by a range of organisations and agencies working co-operatively.
- 15.2 Public Health's role is to focus on the prevention of harm to vulnerable people within Norfolk, and any health harms that can be caused, or exacerbated by gambling. Our aim is to work with Local authorities in Norfolk to support a move towards health harms for individuals and communities being considered in the Gambling licensing process.
- 15.3 We will support the local authority in the development and review of the Statement of principles, and, where appropriate, a Local profile that identifies the wider health harms relating to gambling that includes mental health, housing, community welfare and debt. All these areas are connected to poor health outcomes, not only for an individual, but for the surrounding family and the community.

¹ <https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>

16 Planning Permission / Building Regulations

- 4516.1** In determining applications the Licensing Authority will not take into consideration matters that are not related to gambling and the licensing objectives. An example would be, the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 4516.2** The Licensing Authority is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling.

1617 Duplication with other regulatory regimes

- 4617.1** This Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning as indicated above.

1718 Licensing objectives

- 4718.1** Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 4718.2** **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.** This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as, the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 4718.3** **Ensuring that gambling is conducted in a fair and open way.** This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. The only exception to this is for tracks, which is covered in paragraph **24-25** below.

4718.4 **Protecting children and other vulnerable persons from being harmed or exploited by gambling.** This Licensing Authority has noted the Gambling Commission's guidance for local authorities' states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

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

1819 Conditions

1819.1—Any conditions attached to licences will be proportionate and will be:

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

1819.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a need to ensure the licensing objectives are met'. such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

1819.3 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

1819.4 This Authority will ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is

separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance

- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

4819.5 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

4819.6 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- conditions in relation to stakes, fees, winning or prizes

4819.7 — ***Door Supervisors***

If the Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

4920 Adult Gaming Centres

4920.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

4920.2 This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV

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

This list is not mandatory or exhaustive and is merely indicative of example measures.

2021 (Licensed) Family Entertainment Centres

2021.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

2021.2 This Licensing Authority may consider measures to meet the licensing objectives such as:

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

This list is not mandatory or exhaustive and is merely indicative of example measures.

2122 Casinos

2122.1 There are currently no casinos operating within the District

21.222.2 The Licensing Authority has not passed a resolution under S166 of the Gambling Act 2005 not to issue casino premises licences. Any future decision to pass such a resolution will only be taken after a full consultation process has been undertaken and the statement of principles would be updated.

2223 Bingo premises

2223.1 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

2324 Betting premises

2324.1 **Betting machines** – A *'betting machine'* is not a gaming machine and the Council is aware that it can attach a condition to restrict the number of betting machines. This Licensing Authority will, as per the Gambling Commission's guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

2425 Tracks

2425.1 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

2425.2 This Authority expects the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

2425.3 This Licensing Authority may consider measures to meet the licensing objectives such as:

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

This list is not mandatory or exhaustive and is merely indicative of example measures.

2425.4 Gaming machines – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

2425.5 Betting machines – This Licensing Authority will, as per the Gambling Commission's guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

2526 Applications and plans

2526.1 Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.

2526.2 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

2526.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

2526.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

2526.5 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. It is appreciated that racecourses may need the flexibility to provide different facilities on different days without the need to vary the licence and this will be reflected in the application process.

2627 Travelling Fairs

2627.1 This Licensing Authority is responsible for deciding whether (where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs) the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met and will also consider whether the applicant falls within the statutory definition of a travelling fair

2627.2 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

2728 Provisional Statements

2728.1 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

2728.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy

2728.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The Applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

2728.4 In contrast to the premises licence application, the Applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

2728.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage
- they reflect a change in the applicant's circumstances

2728.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage
- which in the authority's opinion reflect a change in the operator's circumstances
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the Applicant before making a decision

2829 Reviews

2829.1—Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

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

2829.2—The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

2829.3 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

2829.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

2829.5 The Licensing Authority must carry out the review as soon as possible after the 28-day period for making representations has passed.

2829.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence

2829.7 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

2829.8 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

2829.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable
- Her Majesty's Commissioners for Revenue and Customs

PART C
PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

2930 **Unlicensed Family Entertainment Centre gaming machine permits**
(Statement of Principles on Permits – Schedule 10 paragraph 7)

2930.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

2930.2 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the Act.

2930.3 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

2930.4 This Licensing Authority has adopted the following Statement of Principles, in respect of unlicensed FECs:

2930.5 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Such policies/procedures will be considered on their merits; however, they may include appropriate measures on staff training on how to deal with suspected truancy, how to deal with unsupervised very young children being on the premises and children causing problems around the premises.

2930.6 The Licensing Authority will also expect the applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, and that staff are trained to have a full understanding of the maximum stakes and prizes.

2930.7 The Licensing Authority will require the following to be submitted in addition to the application form and fee:

- Proof of the applicant's identity and age
- Proof of the applicant's right to occupy the premises for which the permit is sought
- (Where the applicant is an individual) a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the licensing authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement

- An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity
- A plan scale 1:100 of the premises showing:
 - The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public
 - The location of any fixed or temporary structures
 - The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises
 - The location of any public toilets within the boundary of the premises
 - The location of CCTV cameras
 - The location of any ATM or other cash/change machines
 - The proposed location of the Category 'D' machines
 - Details of non category 'D' machines (e.g. skill with prizes machines)

3031 (Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1))

3031.1 Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

3031.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

3031.3 Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

3031.4 This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will

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

3031.5 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3031.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3132 Prize Gaming Permits

3132.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

3132.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

3132.3 The Licensing Authority shall also require (where the applicant is an individual) a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.

3132.4 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

3132.5—It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

3233 Club Gaming and Club Machines Permits

3233.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

3233.2 Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years
- an objection has been lodged by the Commission or the police

3233.3 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

3233.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

3334 Temporary Use Notices

3334.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

3334.2 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

3435 Occasional Use Notices

3435.1 The Licensing Authority has little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

3536 Small Society Lotteries

3536.1 The Licensing Authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

3536.2 The Licensing Authority must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006);
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

In determining whether the Society is non-commercial the Licensing Authority may require applicants to provide copies of the society's constitution or terms of reference.

- 3536.3** For new applications, the Licensing Authority shall require the promoter of the lottery to produce a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the Licensing Authority.
- 3536.4** The Licensing Authority may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
 - Information provided in or with the application for registration is false or misleading
- 3536.5** Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its web-site its procedures on how it handles representations.
- 3536.6** The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

PART D COMMITTEE, OFFICER DELEGATION AND CONTACTS

3637 Committee decisions and scheme of delegation

- 3637.1** The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 3637.2** Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.
- 3637.3** Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
- 3637.4** The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 3637.5** Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.
- 3637.6** The table shown at **Annex 3** sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 3637.7** This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

38 Contacts

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

~~Public Protection Licensing~~ Team
North Norfolk District Council
Holt Road
Cromer
NR27 9EN

Tel: 01263 516189

E-mail: LicensingPublic.Protection@north-norfolk.gov.uk

Website: www.northnorfolk.gov.uk ~~org~~

38.2 Information is also available from:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666

Website: www.gamblingcommission.gov.uk

Annex 1

List of Persons Consulted

North Norfolk District Council

Gambling Commission

Norfolk Constabulary (Chief Officer of Police and the Police and Crime Commissioner)

Norfolk Fire Service

Norfolk Safeguarding Children Board

Norfolk County Council

HM Revenue and Customs

Norfolk Trading Standards

Public Health, Norfolk County Council

Association of British Bookmakers

Gamblers Anonymous

Gamcare

Responsible Gambling Trust t/a Gambleaware

British Amusement Catering Trade Association (BACTA)

British Beer and Pub Association

Housing Associations;

- Broadland Housing Association
- Cotman Housing Association
- Orbit Housing Association
- Peddars Way Housing Association
- Victory Housing Trust
- Wherry Housing Association

Market Town Surgeries;

- Cromer Group Practice
- Staithe Surgery, Stalham
- Paston Surgery, North Walsham
- Fakenham Medical Practice
- Holt Medical Practice

Norfolk Chamber of Commerce and Industry

Association of Licensed Multiple Retailers

Gambling Therapy, Gordon Moody Association, Dudley

Parish Clerks and Town Councils

Holders of Gambling Act 2005 licences/permits and registrations issued by North Norfolk District Council

Annex 2

RESPONSIBLE AUTHORITIES	
<p>The Licensing Authority North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516189 Email: licensingPublic.Protection@north-norfolk.gov.uk</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 Email: info@gamblingcommission.gov.uk</p>
<p>The Chief Officer of Police Norfolk Constabulary Licensing Team, Bethel Street Norwich NR1 1NN</p> <p>Tel: 01603 276024 Email: licensingteam@norfolk.pnn.police.uk</p>	<p>Fire Authority Divisional Commander Fire Station Friars Lane Great Yarmouth NR30 2RP</p> <p>Tel: 01493 843212 Email: Gtyar@fire.norfolk.gov.uk</p>
<p>Planning Authority North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516150 Email: planning@north-norfolk.gov.uk</p>	<p>Environmental Health North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516085 Email: ep@north-norfolk.gov.uk</p>
<p>Norfolk Safeguarding Children Board, Room 60 Lower Ground Floor County Hall Martineau Lane Norwich NR1 2DH</p> <p>Tel 01603 223409 Email: nscb@norfolk.gov.uk</p>	<p>HM Revenue and Customs National Registration Unit Betting & Gaming Portcullis House 21 India Street Glasgow G2 4PZ</p> <p>Tel: 0300 200 3700 Email: NRUBetting&Gaming@HMRC.gsi.gov.uk</p>

Annex 3

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/ SUB-COMMITTEE	OFFICERS
Final Approval of Statement of Principles	X		
Policy to permit casino	X		
Fee Setting - when appropriate			X (with Cabinet approval)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination of Small Society Lottery applications			X

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