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# **NORTH NORFOLK DISTRICT COUNCIL**

## **Licensing Policy**

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**Table of Contents**

<b>Item</b>	<b>Section</b>
Introduction and Summary	1
The Policy	2
Main Principles	3
Crime and Disorder	4
Public Safety	5
Prevention of Public Nuisance	6
Prevention of Harm to Children	7
Licensing Hours	8
Partnership Working and Integrating Strategies	9
Standard Conditions	10
Enforcement	11
Cultural Activities	12
Live Music, Dancing and Theatre	13
Planning	14
Temporary Event Notices	15
Personal Licences	16
Premises Licence / Club Premises Certificate Applications	17
Review Process	18
Responsible Authorities and Other Persons	19
Promotion of Equality	20
Administration, Exercise and Delegation of Functions	21
Other Relevant Matters	22
Portman Group Code of Practice	23
Entitlement to Work in the UK	24
Further Advice	25
<b>Annexes</b>	
Table of Delegations of Licensing Functions	A
The Portman Group Code of Practice	B

# 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 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'

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## **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](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](#):

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## **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](http://www.north-norfolk.gov.uk)
  - By email to [licensing@north-norfolk.gov.uk](mailto: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>

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**Annex A: Table of Delegations of Licensing Functions**

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal Licence	If a police objection	If no objection made
Application for personal Licence with unspent convictions	All cases	
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](http://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.

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