

Licensing Act 2003

Licensing Authority Statement of Policy

January 2011

South Norfolk Council approved this Licensing Authority Statement of Policy on 06 December 2010

This statement covers the period 7th January 2011 – 6th January 2014, and will be kept under review and revised if considered appropriate, following consultation.

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South Norfolk Council
Licensing Authority Statement of Policy

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Licensing Authority Statement of Licensing Policy South Norfolk Council

1. Introduction

1.1 South Norfolk Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licenses, club premises certificates and personal licenses. The Council is the Licensing Authority for the receipt and determination of Temporary Event Notices in the South Norfolk district, in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

1.2 South Norfolk Council is situated in the County of Norfolk, which contains seven District Councils in total.

1.3 South Norfolk is a rural district covering approximately 90,765 hectares and with a population of over 119,000 (2008 ONS). The area is an attractive rural area of market towns and villages with approximately 54,000 dwellings and 3,700 businesses within the District. The main urban areas are the towns of Wymondham, Diss, Harleston, Loddon and Hingham as well as the parishes of Costessey and Cringleford on the Norwich fringe and large villages including Hethersett, Long Stratton, Poringland and Mulbarton.

2. Purpose and Scope of the Licensing Policy

2.1 This policy sets out the manner in which applications for licenses required by the Licensing Act 2003 will be considered by South Norfolk Council.

2.2 The 2003 Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:

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

2.3 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 Late Night Refreshment between 11pm and 5am
- Provision of 'regulated entertainment' – (where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience) - consisting of:
 - 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
- Provision of facilities for making music
- Provision of facilities for dancing

2.4 The Licensing Act 2003 requires that the Licensing Authority publish a 'Statement of Licensing Policy' that sets out the policies, which will generally be applied to promote the licensing objectives when making decisions on applications made under the Act.

2.5 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act (the Guidance).

2.6 In accordance with the legislation the Licensing Authority will prepare and publish a statement of its licensing policy every three years. During the three-year period the policy will be kept under review and this Licensing Authority may make such revisions as are considered appropriate at any time.

2.7 When determining applications for licenses the Licensing Authority will have regard to this Policy and to the Guidance.

2.8 Before publishing this policy statement and on any policy review the Licensing Authority will consult with the following –

- the chief officer of the police for the area
- the fire authority for the area
- persons/bodies representative of holders of premises license issued by the authority
- persons/bodies representative of club premises certificates issued by the authority
- persons/bodies representative of personal licenses issued by the authority
- persons/bodies representative local residents and local businesses within the area

2.9 This consultation took place between 19 July 2010 and 08 October 2010:

2.10 Nothing in this 'Statement of Licensing Policy' will:

- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits,
- 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

2.11 Each application will be considered on its individual merits in the context of the four licensing objectives.

2.12 Blanket or standard conditions cannot be imposed under the Licensing Act 2003, except where there are valid representations to a licence on the grounds of one of the four licensing objectives. The Licensing Authority cannot attach conditions (other than the statutory Mandatory Conditions), unless they are either volunteered

by the applicant or are determined by the Licensing Authority following representations being upheld from responsible authorities or interested parties.

2.13 There is no provision for the Licensing Authority itself to make representations and in the absence of any relevant representations in respect of an application, the authority is obliged to issue the licence on the terms sought.

2.14 The Licensing Authority must consider representations made to ensure that they are relevant and not repetitious, vexatious or frivolous.

2.15 When considering conditions as a result of relevant representations the Licensing Authority will focus primarily 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 but will also have regard to the impact of persons attending licensed premises on the local community and environment. The Licensing Authority recognises that only conditions strictly necessary to promote the licensing objectives should be attached to licenses.

2.16 Licensing is about the control of licensed premises and licensable activities therein (including outside events), qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licenses, certificates and permissions that will cover matters which are within the control of individual licensees.

2.17 The Licensing Authority 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.

2.18 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 except in so far as such matters should be regulated to achieve the four objectives.

2.19 In this respect the Licensing Authority 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:

- pre-existing planning controls
- ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Services
- control by a Designated Public Place Order.
- 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
- police powers of confiscation of alcohol from adults and children in designated areas and the closing down of 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 to seek a review of the licence or certificate

2.20 The policy will not seek to introduce 'zones' where specific activities are concentrated.

2.21 The policy will not be used to fix the hours or to set quota for particular closing times during which alcohol can be sold, and in general, retail premises will be permitted to sell alcohol during the hours when they are open for trade.

2.22 This Licensing Authority wishes to encourage the provision of a wide range of entertainment activities within the South Norfolk district and to promote live music, dance and theatre, etc for the wider cultural benefit of the community. To avoid unnecessary and disproportionate measures that could deter live music, dancing and theatre by imposing indirect costs of a substantial nature, when considering conditions following relevant representations, for such events, the Licensing Authority recognises only necessary, proportionate and reasonable conditions should be imposed.

3. Cumulative Effect

3.1 The Licensing Authority 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.

3.2 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 exceptional problems of disorder and nuisance over and above the impact from the individual premises.

3.3 In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licenses 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.

3.4 The Licensing Authority will take the following steps when considering whether to adopt a special saturation policy:

- identifying the existence of serious and chronic 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

3.5 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the South Norfolk district generally of the grant of the particular application in front of them. However, the onus to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics, will be on the objectors.

3.6 The Licensing Authority will review any special saturation policies at least every three years to assess whether they have had the effect intended and whether they are still needed.

3.7 The Licensing Authority will not use such policies solely:

- as the grounds for removing a licence when representations are received about problems with existing licensed premises or
- to refuse variations to a licence, except where the variations are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits

3.8 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.

3.9 It therefore also recognises that, within this policy, it may be able to approve licenses that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application.

4. The Prevention of Crime And Disorder

4.1 In addition to the requirements for the Licensing Authority 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 the South Norfolk district.

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.

4.3 The Licensing Authority will expect operating schedules to satisfactorily address these issues through the use of a thorough risk assessment, from the design of the premises through to the daily operation of the business.

4.4 Applicants are recommended to seek advice from the Council's Licensing Officers and Police as well as taking account, as appropriate, of local planning and transport policies, equalities schemes, and tourism, cultural and crime prevention strategies when preparing their plans and schedules.

4.5 If an applicant does not address the prevention of crime and disorder objective it is likely that representations will be made. Where relevant representations are made the Licensing Authority will consider attaching conditions to licenses to deter and prevent crime and disorder both inside and immediately outside the premises.

5. Public Safety

5.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, village halls, cafes/restaurants and fast food outlets/takeaways.

5.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted, maintained and operated so as to acknowledge and safeguard occupants against these risks.

5.3 The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Health and Safety Officers and the County Fire Officer before preparing their plans and schedules.

5.4 If an applicant does not address the public safety objective it is likely that representations will be made. Where relevant representations are made the Licensing Authority will consider attaching conditions to licenses to promote public safety.

5.5 When conditions are present on an operating schedule or imposed by the Licensing Authority after relevant representations are made, requiring the use of door supervisors to carry out a 'security activity' at licensed premises, the door supervisors must be licensed by the Security Industry Authority and the relevant mandatory conditions will be imposed in all such cases.

6. The 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 problems caused relate, amongst other things, to litter, noise nuisance, light pollution and smells. The Licensing Authority will expect operating schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Services Officers before preparing their plans and schedules.

6.3 If an applicant does not address the prevention of public nuisance objective it is likely that representations will be made. Where relevant representations are made the Licensing Authority will consider attaching conditions to licenses to promote the prevention of public nuisance.

7. The Protection of Children From Harm

7.1 The Licensing Authority considers Norfolk County Council Children's Services to be the competent authority for matters relating to the protection of children from harm.

7.2 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.

7.3 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. Additional arrangements may be required to safeguard them while at the premises.

7.4 The Licensing Authority will expect the operating schedules to satisfactorily address the protection of children from harm objective. The Licensing Authority will consider attaching conditions to licenses to prevent harm to children where relevant representations are made.

7.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:

- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
- premises with a known association with drug taking or dealing
- premises where there is a strong element of gambling on the premises
- premises where entertainment of an adult or sexual nature is commonly provided.

7.6 The Licensing Authority reserves the right to consult further with Norfolk County Council Children's Services (and any other appropriate responsible body) on any application which intends to provide access to children, where this aspect appears not to have been adequately addressed in the operating schedule.

7.7 The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- limitations on the hours when children may be present
- limitations on the parts of premises to which the children might be given access
- limitations on ages below 18
- limitations 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
- any other limitations appropriate to the application and in accordance with the four licensing objectives.

7.8 No conditions will be imposed requiring that children be admitted to any premises.

7.9 The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the relevant authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

Access to Cinemas

7.10 In the case of premises which are used for film exhibitions, mandatory conditions will apply requiring the admission of children to the exhibition of any film to be restricted in accordance with any certificate granted by the British Board of Film

Classification, in specific cases a certificate given to the film by the Council itself or any specified film classification body.

8. Licensing Hours

8.1 The Licensing Authority recognises that flexible licensing hours for the sale of alcohol could avoid large numbers of people leaving premises at the same time which in turn could reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance.

8.2 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the concentration of disturbance and noise. This would treat residents in one area less favourably than those in another, as well as causing the peaks of disorder and disturbance the Act is trying to avoid.

8.3 The Licensing Authority 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.

8.4 The Licensing Authority will generally consider licensing shops, stores, and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider there are very good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and disturbance.

9. Integrating Strategies and Avoiding Duplication

9.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

9.2 The Licensing Authority will arrange for protocols with the Norfolk Police to enable them to report to the Authority responsible for transport matters on the need for the swift and safe dispersal of people from the town centres within the District to avoid concentrations of people, which can produce disorder and disturbance.

9.3 The Licensing Authority recognises the need to avoid so far as possible, duplication with other regulatory regimes. Whilst having regard to the planning regime, the Council recognises that there should be a clear separation of the planning and licensing regimes, and licensing applications should not be a re-run of the planning application.

9.4 The Council will endeavour to minimise the burden of legislation on small businesses.

9.5 However, some regulations do not cover the unique circumstances of some entertainment and the Licensing Authority will consider attaching conditions to premises licenses and club premises certificates (where relevant representations are

received), where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

9.6 This policy recognises that The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

9.7 The Portman Group operates a Code of Practice on the naming, packaging and promotion of alcohol drinks on behalf of the alcohol industry. The Licensing Authority commends the code. Further details of the Portman Group Code of Practice can be found in Appendix B.

10. Conditions

10.1 Where relevant representations have been received and resulted in conditions being attached to licenses or certificates, such conditions will be tailored to the individual style and characteristics of the particular premises and events concerned, having regard to the relevant representations received and be imposed in order to promote the licensing objectives. The Licensing Authority may consider attaching relevant conditions drawn from “the model pool of conditions” contained within “the Guidance”.

11. Enforcement

11.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

11.2 The Licensing Authority intends to establish protocols with the Police, and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises that are shown to be well managed and maintained.

11.3 All enforcement actions taken by the Licensing Authority will comply with the Council's Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

12. Reviews

12.1 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or interested party may apply to the Licensing Authority to request that the licence be reviewed because of matters arising at the premises in connection with any of the four licensing objectives. There is no provision for Licensing Officers to initiate the review process.

12.2 The Licensing Authority will not undermine the right of any interested party or responsible authority to initiate the review procedure, but intends wherever possible to work with interested parties and responsible authorities to provide licence holders

with an early warning of their concerns regarding problems identified at the premises and the need for improvement.

12.3 Any application for a review must relate to particular premises for which a premises licence or club premises certificate is in existence, and must be relevant to the promotion of the licensing objectives.

12.4 The Licensing Authority must, having regard to the application and any relevant representations, take such of the steps (if any) as it considers necessary for the promotion of the licensing objectives:

The steps are—

- to modify the conditions of the licence
- to exclude a licensable activity from the scope of the licence
- to remove the designated premises supervisor
- to suspend the licence for a period not exceeding three months
- to revoke the licence

13. Administration, Exercise and Delegation Of Functions

13.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

13.2 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 a number of Sub-Committees to deal with them.

13.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications has been delegated to Authorised Officers.

13.4 The table in Appendix A sets out the agreed main delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

13.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee referring an application to Full Committee, if considered appropriate in the circumstances of any particular case.

14. Advice

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

- visiting the website on www.south-norfolk.gov.uk ,
- telephoning the licensing team on (01508) 533621, 533687, 533692, 533704
- email to licensingteam@s-norfolk.gov.uk.
- appointment in person at South Norfolk House, Swan Lane, Long Stratton, Norwich, NR15 XE during normal opening hours.

The Licensing Act 2003 and Guidance issued by under section 182 of the Act can be viewed on the Department of Culture, Media and Sport website at www.culture.gov.uk

Appendix A – Table of Delegations of Licensing Functions

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

Appendix 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, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner, which may appeal to or attract minors. The District Council commends the Code.

Appendix C – Responsible Authorities Contact Details

The Chief Officer of Police:

Central Area Licensing Team
Bethel Street, Norwich Norfolk
NR2 1NN
Telephone: 01603 276020
Fax No 01603 276025
Email:
licensingteam@norfolk.pnn.police.uk

The Fire Authority:

Fire Safety Officer (South Norfolk)
Norfolk Fire Service,
Bethel Street,
Norwich NR2 1NW
Telephone: 01603 810351
Fax no: 01603 229034
Email: norw@fire.norfolk.gov.uk

Child Protection:

Children's Services
Norfolk County Council,
County Hall, Martineau Lane,
Norwich, NRI 2UD
Telephone: 0344 800 8014
Email:
childrensservicesenquiries@norfolk.gov.uk

Trading Standards:

Legal Process Manager
Norfolk County Council County Hall
Martineau Lane,
Norwich, NRI 2UD
Telephone: 0344 800 8013
Email:
trading.standards@norfolk.gov.uk

Planning Authority:

South Norfolk Council
Swan Lane
Long Stratton
Norwich, NR15 2XE
Telephone: 01508 533633
Email: planning@s-norfolk.gov.uk

Health and Safety:

South Norfolk Council
Swan Lane
Long Stratton
Norwich NR15 2XE
Telephone: 01508 533633
Email: ehl@s-norfolk.gov.uk

Environmental Health:

South Norfolk Council
Swan Lane,
Long Stratton
Norwich, NR15 2XE
Telephone: 01508 533633
Email: ehl@s-norfolk.gov.uk

Appendix D – Map of the District

