

Licensing Policy

Licensing Act 2003



Definitions

Note: In this policy, the following definitions are included to provide an explanation of certain terms included in the Licensing Act and therefore in the policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, please refer to the Licensing Act 2003.

‘the Act’ refers to the Licensing Act 2003

‘the Council’ refers to Broadland District Council

‘the Guidance’ refers to the revised guidance issued by the Home Office under s.182 of the Act

‘licensed premises’ includes premises, club premises and events unless the context otherwise requires

‘the Licensing Authority’ refers to Broadland District Council

‘the Licensing Committee’ refers to the Licensing and Regulatory Committee

1 Executive Summary

- 1.1 Broadland District Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Broadland district in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 This policy sets out the manner in which applications for licences, which are required by the Licensing Act 2003, will be considered by Broadland District Council.
- 1.3 The policy will not seek to introduce 'zones' where specific activities are concentrated.
- 1.4 The policy will not be used to fix the hours during which alcohol can be sold or to set quotas for particular closing times and, in general, shops will be permitted to sell alcohol during the hours which they are normally open for trade.
- 1.5 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.
- 1.6 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 benefit of the community.

Who is affected?

- 1.7 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':
 - 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
 - The supply of hot food and/or drink from any premises between 11pm and 5am.
- 1.8 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. (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf to confirm which activities require a licence.)
- 1.9 Please also see <https://www.gov.uk/alcohol-licensing#overview> for details of licensable activities.

2 Purpose and Scope of the Policy

- 2.1 Broadland District Council is situated in the County of Norfolk, which contains 7 District Councils in total. The Council area has a population of 124,626 (2011 Census) and covers 55,215 hectares. Broadland includes the northern suburbs of Norwich and the rural areas to the north and east of the city. It consists of several market towns including Aylsham and Acle and numerous villages. Due to the reasonably rural nature of the district, the majority of licensed premises consist of public houses, village halls, members' clubs, convenience stores and hotels.
- 2.2 In accordance with the legislation the licensing authority will prepare and publish a statement of licensing policy every five years. During the five year period the policy will be kept under review and the licensing authority may make such revisions as considered appropriate.
- 2.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued under Section 182 of the Act.
- 2.4 This licensing authority must seek to promote the four licensing objectives contained in the Licensing Act 2003 when carrying out its licensing functions. These objectives are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.5 When determining applications for licences the licensing authority must also have regard to this policy statement, to the Guidance and to the secondary legislation.
- 2.6 Each application will be considered on its individual merits in the context of the four licensing objectives stated above.
- 2.7 Conditions may be imposed on a licence following the receipt of relevant representations. There is a provision for the licensing authority itself to make representations in its role as a responsible authority.
- 2.8 Before publishing this policy statement the licensing authority will consult with the following:
- the chief officer of police for the area;
 - the fire and rescue authority for the area;
 - the Director of Public Health for any area or any part of which is in the Broadland area;
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in the area.
- 2.10 A Licensing Authority is not precluded from consulting with other persons or bodies in addition to those it is required to consult with.

- 2.11 For the purposes of the Licensing Act 2003, the relevant Responsible Authorities are:
- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
 - 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;
 - the local authority with responsibility for environmental health;
 - the local planning authority;
 - a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
 - each local authority's Director of Public Health (DPH); and
 - the local weights and measures authority (Trading Standards).
- 2.12 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the Licensing Committee or sub-committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.

Main Principles of the Policy

- 2.13 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.
- 2.14 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions may be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 2.15 When considering these conditions, the licensing authority 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 but will also have regard to the impact of persons attending licensed premises on the local community and environment. To this end, Town/Parish Councils will be notified of all applications for new or full variations of Premises Licence and Club Premises Certificates. The licensing authority recognises that only conditions strictly appropriate to promote the licensing objectives should be attached to licences.

2.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

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 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:

- planning controls;
- positive measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of the Local Authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- designation of parts of the District as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- 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 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 authorities, or any other person to seek a review of the licence or certificate.
- Raising a contribution to policing the late night economy through the Late Night Levy;
- Early Morning Alcohol Restriction Orders;
- Investigation of statutory nuisance complaints under the Environmental Protection Act 1990.

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

- It must be clear to which premises/application the petition relates;
- The petition must relate to one or more of the licensing objectives;
- Each page must include a relevant representation.
- Full names and addresses must be supplied, in a legible manner;
- It should be made clear to all signatories that a copy of the petition, containing their details will be passed to the applicant and contained within the committee papers, which, in the event of a hearing become public documents;
- The first named respondent is taken to be in the instigator of the petition, and will be used as the point of contact in terms of any queries about the petition;
- The licensing authority reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate.

2.20 In the absence of any relevant representations or where representations have been made and subsequently withdrawn in respect of an application, the licensing authority is obliged to grant the licence and replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable conditions.

3 Duplication

- 3.1 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.
- 3.2 The licensing authority will arrange for protocols with Norfolk Constabulary to enable reporting 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.
- 3.3 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 licensing authority recognises that there should be a clear separation of the planning and licensing regimes. The licensing authority will endeavour to minimise the burden of legislation on small businesses.
- 3.4 However, some regulations do not cover the unique circumstances of some entertainment. Where relevant representations are received the licensing authority 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.
- 3.5 This policy recognises that:

The Equality Act 2010 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 those who share a protected characteristic and those who do not.

4 Prevention of Crime and Disorder

- 4.1 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.
- 4.2 The licensing authority will expect Operating Schedules to satisfactorily address these issues, as appropriate, 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 the Police, as well as taking account, as appropriate, of local planning and transport policies and tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 4.4 The licensing authority would encourage applicants and current licence holders to consider the use of toughened or plastic glasses when serving drinks to members of the public, particularly where they are to be consumed in beer gardens, at outside events or in premises where a risk assessment may indicate the use of toughened or plastic glasses would be of benefit in complying with the public safety licensing objective.
- 4.5 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 district. The licensing authority also acknowledges powers contained within the Violent Crime Reduction Act 2006.
- 4.6 Where relevant representations are received the licensing authority will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises. The licensing authority may also consider attaching a condition, where relevant representations are received, requiring a 'safe dispersal policy for customers' which would address:
- Dispersing customers over an extended period;
 - Ensuring customers leave the premises in an orderly fashion and without bottles or glasses;
- 4.7 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of Alcoholic Drinks. The licensing authority commends the code. Further details of the Portman Group Code of practice can be found at Annex A.
- Sale and use of new psychoactive substances (NPS) at alcohol licensed premises such as off-licences
- 4.8 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.

- 4.9 The licensing authority will consider whether there is evidence that it would be appropriate to impose a condition of this kind specifically in order to promote one or more of the statutory licensing objectives, including public safety and protecting children from harm. Hospital admissions data or public order or nuisance data may assist or evidence that NPS are being purchased at a premises used by those under 18. Conditions must of course be tailored to the individual type, location and characteristics of the premises and events concerned and should be proportionate, justifiable and be capable of being met.

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, cafés/restaurants and fast food outlets/takeaways.
- 5.2 Each of these types of premises present 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 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, as appropriate, and applicants are advised to seek advice from Council Health and Safety Officers and the County Fire Officer before preparing their plans and Schedules.
- 5.4 Where relevant representations are received the licensing authority will consider attaching conditions to licences and permissions to promote safety.
- 5.5 Public safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective or nuisance objective. There will be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition.
- 5.6 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. The relevant mandatory conditions will be imposed in all such cases.

6 Prevention of 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 on the impact these may have. The licensing authority will expect Operating Schedules to satisfactorily address these issues, as appropriate. Applicants are advised to seek advice from the Council's Health and Safety and Community Protection Officers before preparing their plans and Schedules.
- 6.3 Where relevant representations are received the licensing authority will consider attaching conditions to licences and permissions to prevent public nuisance.

7 Protection of Children from Harm

- 7.1 The licensing authority considers the Norfolk Safeguarding Children's Board to be the competent authority for matters relating to the protection of children from harm.**

Access to Licensed Premises

- 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. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.
- 7.3** The licensing authority has a statutory obligation to ensure robust mechanisms are in place for safeguarding arrangements under Section 11 of the Children Act 2004. Therefore 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 recorded history for underage drinking.

- With a known association with drug taking or dealing.
- Where there is a strong element of gambling on the premises.
- Where entertainment of an adult or sexual nature is commonly provided.

- 7.4** 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.

- 7.5** 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.

- 7.6 The 2003 Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with Norfolk Constabulary and Trading Standards to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 7.7 Applicants may wish to consider including a statement within their operating schedule detailing how they will prevent underage drinking at their premises. This may be incorporated within the applicant's proof of age policy.

Access to Cinemas

- 7.8 In the case of premises which are used for film exhibitions, a mandatory condition will apply restricting access 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 licensing authority itself.
- 7.9 It may also be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions.

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 specifically presented for children, the licensing authority may require the presence of an appropriate number of adult staff to ensure public safety and their protection from harm.
- 7.12 The licensing authority will expect the submitted Operating Schedules to satisfactorily address these issues.
- 7.13 Where relevant representations are received the licensing authority will consider attaching conditions to licences and permissions to prevent harm to children.
- 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 & 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 expect that the entertainment occurring on the premises should only be visible to those who have chosen to enter, regardless of the location.
- 7.20 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.
- 7.21 Broadland 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 a venue of this kind.

8 Cultural Strategies

- 8.1 The Council recognises the need to encourage the provision of a broad range of events in Broadland to promote live music, dance, theatre and other entertainments for enjoyment by a wide-cross section of the public.
- 8.2 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.
- 8.3 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.
- 8.4 The Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 have exempted entertainment in certain instances.

9 Live Music, Dancing and Theatre

- 9.1 In its role of implementing local authority cultural strategies, the licensing authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community generally. The introduction of the Live Music Act in 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 have exempted a range of performances under certain circumstances that may have previously required a licence.
- 9.2 When considering applications for such events and the imposition of conditions on licences or certificates, the licensing authority will take account of the cultural needs whilst noting the necessity of promoting the licensing objectives.
- 9.3 The licensing authority is aware of the need to avoid unnecessary or disproportionate measures that could deter live music, dancing and theatre by imposing indirect costs of a substantial nature, save as necessary to promote the licensing objectives.

10 Planning

- 10.1 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency.
- 10.2 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.
- 10.3 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.

11 Temporary Event Notices

- 11.1 Certain temporary events are not required to be licensed but must be notified to the licensing authority by way of a temporary event notice. These can potentially have serious crime and disorder and public nuisance implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable Norfolk Constabulary, community protection and the licensing authority to work with them to identify any risks.
- 11.2 Notifications should include a clear description of the location, particularly where an event is to be held in an open space, and when adjacent plots are to be authorised for licensable activities. In these situations the notice giver should also provide detail as to how the maximum number of persons in each area will not be exceeded.
- 11.3 Applications for Temporary Event Notices must be received a minimum of ten clear working days before the event. The ten clear days does not include the date the Notice was received by the Licensing Authority or the date of the event. Therefore, it is advisable to submit Temporary Event Notices in advance of this date wherever possible. In particular circumstances, late Temporary Event Notices can be submitted with at least 5 clear working days' notice.

- 11.4 One copy of the Temporary Event Notice must be served on the licensing authority at the Council Office, one copy of the Notice must be served on the Police and a further copy served on Environmental Health. Please contact the Licensing Section using the details at section 19 to request addresses for Environmental Health and the Police.
- 11.5 Temporary Event Notices can be submitted online through the gov.uk website or by going to www.broadland.gov.uk/temporaryeventnotices. Where an application is submitted using the online facility the applicant is not required to serve the notice on the Police or Environmental Health. Where possible applicants are encouraged to use the online facility.

12 Personal Licences

- 12.1 The sale or supply of alcohol under a premises licence may not be made unless there is Designated Premises Supervisor (DPS) in respect of the premises who holds a personal licence, and every sale must be made or authorised by a personal licence holder. The only exception for this is for community premises that have successfully applied to have to remove the DPS requirement.
- 12.2 If the Police object to the grant of a personal licence, the matter will be referred to a Licensing Sub-Committee for determination.
- 12.3 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.

13 Cumulative Impact of a Concentration of Licensed Premises

- 13.1 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 13.2 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act.
- 13.3 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, the authority 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.
- 13.4 Representations may be received following consultation or subsequently 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. Consequently, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 13.5 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 on cumulative impact of refusing new premises licences or club premises certificates or the variation of the same because the area is saturated with licensed premises and the granting of any more would undermine one or more of the licensing objectives.
- 13.6 In the event of an application within an area defined in 13.1 above, the licensing authority will follow the procedures set out in the Home Office Guidance and the Licensing Act 2003 to determine whether a special policy covering cumulative impact should be incorporated in this Statement of Licensing Policy.

- 13.7 The licensing authority will not use such policies solely:
- 1) as the grounds for removing a licence when representations are received about problems with existing licensed premises; or,
 - 2) 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.
- 13.8 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.
- 13.9 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application.
- 13.10 The licensing authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance. The Licensing Authority, having regard to the evidence currently available, and being aware of other measures that are available to the Local Authority and Police to address such issues, considers that there is no particular part of the District causing a cumulative impact on any of the licensing objectives, at the time of writing this policy.

- 13.11 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents, businesses or responsible authorities, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area.

Late Night Refreshment

- 13.12 The power to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment has been provided at Paragraph 2A of Schedule 2 of the 2003 Act (as inserted by the Deregulation Act 2015). This enables licensing authorities to choose to apply an exemption specifically where the supply of late night refreshment takes place if it is:
- a) on or from premises which are wholly situated in a designated area;
 - b) on or from premises which are of a designated description; or
 - c) during a designated period (beginning no earlier than 11pm, and ending no later than 5am)
- 13.13 Any decision to implement late night refreshment exemptions would be subject to a separate full consultation process.

Early Morning Restriction Orders

- 13.14 The ability to implement an Early Morning Restriction Order or 'EMRO' is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011 ("the 2011 Act"), which enables licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between midnight and 6am on all or some days. Licensing authorities are able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. It should be noted that the restriction would only relate to alcohol and will have no effect on regulated entertainment.
- 13.15 The licensing authority does not have any plans to implement an EMRO at the time of writing this policy.

Late night levy

- 13.16 The power to implement a late night levy is also within the 2011 Act. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy. Any levy would have to apply to the entire Local Authority area.
- 13.17 The licensing authority does not have any plans to implement a Late Night Levy at the time of writing this policy. Any decision to implement a late night levy would require consultation with the Police and Crime Commissioner and Chief Officer of Police, as well as much broader consultation. Such a decision would be made by the Full Council.

14 Licensing Hours

- 14.1 The licensing authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This in turn could reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport, which can lead to disorder and disturbance.
- 14.2 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 attendant concentration of disturbance and noise.
- 14.3 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.
- 14.4 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, where relevant representations have been received.

Shops, Stores and Supermarkets

- 14.5 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.
- 14.6 However, this may be reconsidered where objections to those hours are raised by responsible authorities or interested parties on the basis of the licensing objectives.

15 Conditions

- 15.1 Conditions (other than statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions).
- 15.2 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned. The licensing authority cannot impose blanket standard conditions.
- 15.3 However, where considered appropriate, for the promotion of the Licensing Objectives, the licensing authority will consider attaching conditions to licences as appropriate.

16 Licence Reviews

- 16.1 At any stage, following the grant of a premises licence, a responsible authority to also include the licensing authority or an interested party, may request that the licensing authority reviews the licence because of a matter arising at the premises in connection with any of the four licensing objectives. In addition, Norfolk Constabulary may make an application for a summary review on the basis that premises are associated with serious crime and/or disorder.
- 16.2 Responsible authorities will aim to give licensees early warning of any concerns identified at a premises. The licensing authority can only initiate the review process when acting in its capacity as a Responsible Authority. The authority's role will be to administrate the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.
- 16.3 It is expected Responsible Authorities shall intervene where the basis of the intervention falls within the remit of that authority. For example, the appropriate authorities should take appropriate steps where the basis of the review is crime and disorder or the sexual exploitation of children.
- 16.4 A number of reviews may arise in connection with crime that is not directly linked to licensable activities. For example, reviews may arise because of drug problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms and the sexual exploitation of children or vulnerable adults.
- 16.5 In cases where the crime prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.

17 Enforcement

- 17.1 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. The licensing authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 17.2 The licensing authority works closely with the Police and other enforcing authorities to ensure compliance with the Licensing Act 2003. This provides 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.
- 17.3 All enforcement actions taken by the licensing authority will comply with the Council's Enforcement Policy (published on the Council's website), the Better Regulation Delivery Office Regulator's Code and Primary Authority Partnership Scheme. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 17.4 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

- 17.5 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.
- 17.6 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.
- 17.7 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.
- 17.8 Norfolk Constabulary Licensing Team will be informed of the suspension and removal of suspension.

18 Administration, Exercise and Delegation of Functions

- 18.1 The licensing authority will be involved in a wide range of licensing decisions and functions and have established a Licensing Committee to administer them.
- 18.2 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.
- 18.3 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 Authorised Officers within the Licensing Section of the Council. Relevant matters dealt with by Officers will be reported for information and comment only to the next Committee meeting.
- 18.4 The Table on the following page sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.
- 18.5 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.

19 Entitlement to Work in the UK

- 19.1 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. However, this requirement does not apply to a premises licence for entertainment only, or a club premises certificate, or a TEN.
- 19.2 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.

20 Advice

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

Broadland Council

Website: www.southnorfolkandbroadland.gov.uk

Telephone: 01603 430580

Email: licensing.bdc@southnorfolkandbroadland.gov.uk

Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St. Andrew
Norwich

The Licensing Act 2003 and Statutory Guidance can be viewed on the Gov.uk website.

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 personal licence, with unspent convictions		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 premises certificate		If a relevant representation made	If no relevant representation made
Application for a minor variation			All cases but with discretion to refer to the sub-committee
Application to vary designated premises supervisor		If a Police representation	All other cases
Request to be removed as designated premises supervisor			All cases

Application for mandatory alcohol condition to be disappplied in respect of community premises		If a Police representation	
Application for transfer of premises licence		If a Police representation	All other cases
Application for Interim Authority Notice		If a Police representation	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 but with discretion to refer to the sub-committee
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 notice		All cases	
Consideration of Licensing Policy before Full Council	All cases		

Annex A to

Broadland District Council's Statement of Licensing Policy

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. 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.

Annex B to

Broadland District Council's Statement of Licensing Policy

The Joint Enforcement Guide

Please see the Broadland website at https://www.broadland.gov.uk/downloads/download/31/enforcement_policy for a copy of the Joint Enforcement Guide or contact the Licensing Section.

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