

Summary of Changes resulting from revised statutory guidance

SECTION / PARAGRAPH	HEADING	AMENDMENT
Section A	Premises Licence	
Para 1.2	Introduction	At end of paragraph add: "In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority who will consider it and then decide what the "permitted capacity" of those premises should be".
Para 1.6	Introduction	Replace "7 th February 2005" with "7 th January 2008" and "February 2008" with "January 2011"
Para 1.8	Introduction	After "...direct control of the licensee of the premises". Add "However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control". Add additional bullet point: "The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk".
Para 2.1	Consultation and Links to other Policies and Strategies	Amended wording: "The Council has established a Licensing Forum that brings together local people and businesses; Planning, Environmental Health; Norfolk Constabulary; Norfolk Fire Service; the Crime and Disorder Reduction Partnership; Club and Pub Watch Scheme members; Norwich City Centre Management Partnership; local residents forums; performers and their representatives; transport operators and the Area Child Protection Committee. This Forum meets on a monthly basis to give the organizations and individuals the opportunity to express opinions as to how well the licensing objectives are being met, and problems associated with the licensed trade".

Para 2.6	Consultation and Links to other Policies and Strategies	<p>Amended wording to reflect updated Strategy: “In 2004, the government published the Alcohol Harm Reduction Strategy for England, which was the first cross-government statement on the harm caused by alcohol, which included a shared analysis of the problem, and the programme of action to respond to the issue. A follow up strategy entitled ‘Safe. Sensible. Social. The next steps in the National Alcohol Strategy’ was published on the 5th June 2007 and further outlines the government’s strategy for tackling alcohol misuse and abuse and ensures that laws and licensing powers tackling alcohol-fuelled crime and disorder are used properly. It also sharpens the focus on that minority of drinkers who cause the most harm - to themselves, their communities and their families.</p> <p>Key actions in the strategy include:</p> <ul style="list-style-type: none"> ○ sharpened criminal justice for drunken behaviour ○ a review of NHS spending on alcohol-related health issues ○ more help for those who want to drink less ○ tougher enforcement of underage drinking laws ○ public consultation on alcohol pricing and promotion ○ compulsory local alcohol strategies <p>It is envisaged that a range of boards and steering groups will be set up to take forward the various strands of the alcohol strategy”.</p>
Para 2.7	Consultation and Links to other Policies and Strategies	Add to end of paragraph: “As an example, the Council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005”.
Para 2.9 and 2.11	Consultation and Links to other Policies and Strategies	<p>Replace paragraphs 2.9 and 2.11 with “2.9 The Council’s planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. It should be noted that licensing committees are not bound by decisions made by a planning committee, and vice versa.</p> <p>2.11 The granting by the licensing committee of any variation of a licence which involves a material</p>

		alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate. Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes, and 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.
Para 3.6	Applications for Licences (Transitional Arrangements)	Replace heading “Transitional Arrangements” with “Variations” and paragraph 3.6 with “A premises licence holder wishing to amend their licence will in most cases, be able to apply for a variation rather than requiring an application for a new premises licence. Simplified processes are in place in respect for the change of the name or address of someone named in the licence, or to specify a new individual as the designated premises supervisor. However, other changes to the licence require an application to vary under section 34 of the Act, including: <ul style="list-style-type: none"> • varying the hours during which a licensable activity is permitted; • adding or removing licensable activities; • amending, adding or removing conditions within a licence; and • altering any aspect of the layout of the premises which is shown on the plan.
Para 4.1	Representations	Add to end of paragraph 4.1: “Representations can be made in opposition to, or in support of, an application”.
Para 4.3	Representations	Add new paragraphs 4.4 – 4.7: “4.4 In some exceptional and isolated circumstances interested parties may be reluctant to make representations because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. In these circumstances, interested parties may be advised to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. 4.5 The Council may also decide to withhold some or all of the interested party’s personal details from the applicant, giving only enough details (such as street name or general location within a street) which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises. However, withholding such detail should only be considered where the circumstances justify such action and the licensing authority is satisfied that the complaints are not frivolous or vexatious.

Para 8.1	The Impact of Licensed Premises	Delete fifth bullet point.
Para 15.4	Live Music, Dancing and Theatre	Add new paragraph 15.5: "15.5 The Council has obtained premises licences for public spaces and streets within the community in its own name. Performers and entertainers who wish to give a performance in these places do not need to obtain a licence or give a temporary event notice. However, they would still require the permission of the Council as the premises licence holder for any regulated entertainment that it was proposed should take place in these areas. The Department of Culture, Media and Sport (DCMS) has established a Register of Local Authority Licensed Public Spaces in England in Wales. This is to help event organisers and touring entertainment providers determine whether their event could take place in a particular local authority area without the need for a separate authorisation. It also directs them to the appropriate person to find out more information and to obtain permission to use the space. The Register and further details are available on the DCMS website.
Section B	Licensing Objectives	
Para 20.4	Overview	Amend "Guidance issued by the Secretary of State for Culture, Media and Sport (2004)" to "Guidance issued by the Secretary of State for Culture, Media and Sport (2007)"
Section D	Cumulative Impact Special Policy	
Para 30.1 & Para 30.4	Cumulative Impact Special Policy	Replace "(par. 3.13)" with "(par.13.24)" Replace "3.13 to 3.28" with "13.24 to 13.32"
Section E	Hours of Trading	
Para 31.2 (i) – (ix)	Hours of Trading	Replace with: (i) "With regard to licensing hours, consideration which will be given to the individual merits of an application. The Government recommends that statements of policy should recognise that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance (para 13.40)". (ii) "Terminal hours dictated by the Licensing Act 1964 were abolished to avoid the serious

		<p>problems that arise when customers exit licensed premises simultaneously. Attempting to fix a terminal hour in any area would therefore directly undermine a key purpose of the 2003 Act (para 13.37)".</p> <p>(iii) "Concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.19)".</p> <p>(iv) "There is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. (para 10.20)".</p> <p>(v) "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours (para 10.21)".</p> <p>(vi) "The Government strongly believes that, prior to the introduction of the Licensing Act 2003, fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times; and one of the causes of disorder and disturbance when large numbers of customers were required to leave the premises simultaneously (para 1.17)".</p> <p>(vii) "The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided (para 1.18)".</p>
Para 31.3	Hours of Trading	Delete
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