

GREAT YARMOUTH BOROUGH COUNCIL

LICENSING ACT, 2003

VARIATION OF PREMISES LICENCES

Introduction

This document is intended to offer guidance to applicants applying to vary existing licences or certificates. It provides the basic information for applicants to help make a successful application and general guidance to keep the operation of the business or club within the law.

Great Yarmouth Borough Council is required to publish a Statement of Licensing Policy. This policy should help applicants understand how the Licensing Authority will administer the licences and authorisations and what it considers as important. Applicants may wish to read this policy in addition to this guidance before applying for a licence. The policy can be viewed on the Council's website (www.great-yarmouth.gov.uk) or alternatively you can contact the Licensing Section, for a copy. The Department for Culture, Media and Sport has published guidance on the new licensing regime and this may be viewed on its website (www.culture.gov.uk).

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

These objectives are the only matters to be taken into account in determining licensing applications and any conditions attached to licences must be necessary to achieve the licensing objectives. Think carefully about what you actually want to do. If you apply for a variation to extend your hours 24 hours a day 7 days a week, it is likely that objections will be received, even if you do not intend to open 24/7. Objections will result in your application being considered by a Council Licensing Sub Committee. If there are no objections your application will be granted in the terms applied for.

1. Applying for a variation

Send:

- The appropriate application form, including an operating schedule detailing existing activities and times of your current premises licence(s)
- The correct fee (see section 3)
- The current premises licence, or if that is not practical a statement for the reasons for the failure to provide the licence.
- A plan of 1:100 scale of the premises which should include the following details:
 - The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - The location of entrances and exits from the premises;
 - If different from the location of exits, the location of escape routes from the premises;
 - In a case where the premises is used for more than one licensable activity, the area within the premises used for each activity;
 - In a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for the consumption of alcohol;

- Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- The location and type of any fire safety and other safety equipment
- The location of a kitchen, if any on the premises

The application with original or certified copies of the current licences must be returned to the Licensing Section, Great Yarmouth Borough Council, Town Hall, Great Yarmouth, NR30 2QF. Please note that proof of postage will not be sufficient to prove delivery.

Please note, copies of the application and accompanying documents must also be submitted to all 'Responsible Authorities', contact details of the responsible authorities can be found under contact details

How will the application be dealt with?

The application will be acknowledged but, if it is incomplete it will be rejected and returned to you. An application is incomplete if it missing any information, documents or fee or it has not been served on the responsible authorities. The application will need to be resubmitted.

The applicant must advertise a variation. In this pack, you will find a blue notice that you must complete and display in a prominent position at or on the premises concerned which will detail the changes. This notice must be displayed for not less than 28 days, beginning on the day after you give your application to the Council. If the premises have an area in excess of 50m², a further notice must be displayed every 50ms along the outside of the property where it adjoins a highway. The applicant must also advertise the application in a local newspaper circulating in the area such as the Gorleston and Great Yarmouth Advertiser, Great Yarmouth Mercury or the Eastern Daily Press. The newspaper notice, which must contain the same wording as the site notice, must be published on at least one occasion not more than 10 working days after the giving of the application to Great Yarmouth Borough Council. Both the newspaper notice and the notice for the application shall contain the following information:

- The relevant licensable activities proposed to be carried on at the premises
- The proposed changes of the application
- The name of the applicant
- The postal address of the premises, or if not applicable a description of the premises concerned
- Details of where the licensing register of Great Yarmouth Borough Council is held and both it and the application itself can be inspected
- The dates between which an interested party and a responsible authority may make representations to Great Yarmouth Borough Council (28 days from receipt of application)
- A statement that all representations must be made in writing
- A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence

If there are no representations within 28 days, a complete application form has been submitted with the appropriate fee and other paperwork, and appropriate notices given in the paper and on the premises, the licence will be granted.

However, if representations from any interested parties or responsible authorities have been received, the Licensing Team will decide whether the representations are relevant. If they are, a hearing before a licensing sub-committee will ensue. All relevant parties will be notified. A decision will be made by the licensing sub-committee and the details of that decision will be circulated to the parties concerned.

2. Licensable activities

Licensable activities are:

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- The provision of 'regulated entertainment'
- The provision of late night refreshment

'Regulated entertainment' means:

- 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
- Playing of recorded music (except incidental and background music)
- A performance of live dance
- Provision of facilities for making music
- Provision of facilities for dancing

but only where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience.

Exemptions include music provided for educational purposes, incidental live or recorded music, activities incidental to a religious meeting or entertainment held at a place of religious worship and provision of entertainment at garden fete or similar event, provided it is not promoted for private gain.

'Late night refreshment' means:

The provision of late night refreshment (hot food or drink) at any time between the hours of 11 p.m. and 5 a.m. to the public, on or from any premises, whether for consumption on or off the premises.

Exemptions include the supply of food to a member of a recognised club or to a person staying at a particular hotel, or comparable premises, for the night (such as guest house, hostel, caravan site, etc.).

3. Fees

Fees for all Licensing Act 2003 permissions have been set by central government. The new fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands:

Band	A	B	C	D	E
Non-Domestic rateable value	£0 - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,000 - £125,000	£125,001 and over
Application fee	£100	£190	£315	£450	£635

For larger premises (band D and E) where they are exclusively or primarily in the business of selling alcohol for consumption on the premises, the following fees apply:

Band	D (x2)	E (x3)
Application Fee	£900	£1905

Where the maximum number of persons the applicant proposes should, during the times when the licence authorises licensable activities to take place on the premises, be allowed on the premises at the same time is 5,000 or more, an additional fee is required. You should contact the Licensing Section to find out the scale of fees for larger premises (see contact details – section 6).

To find out how much your non-domestic rateable value of your premises is please enter your postcode into the Valuation Office's website, www.voa.gov.uk.

Premises licences sought for community centres and some schools that permit regulated entertainment but do not permit the supply of alcohol and/or the provision of late night refreshment will not incur a fee.

If you require help on how much you should be paying, contact the Licensing Section at the Town Hall (see contact details – section 6).

4. Operating Schedules

An operating schedule is required with conversion and variation applications for premises licences and club premises certificates. It is the documentation that outlines how the business will be operated. The operating schedule for an application to vary a licence requires far more detail than a conversion application.

The nature of the business is an important factor. Do describe the style of premises; e.g. traditional public house, modern exclusive restaurant, cinema complex, etc. and describe the nature of clientele; young people who want to dance, all age groups, family friendly, people interested in sports. Describe the geographical location; town centre, rural village, etc. and proximity to residential premises.

The operating schedule should be precise and clear about the measures to promote each of the Licensing Objectives. The operating schedule must include:

- The licensable activities to be conducted on the premises
- The times during which it is proposed that the licensable activities are to take place
- Any other times when the premises are open to the public
- Where the licence is required only for a limited period, that period must be specified
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor; and
- Where the licensable activities include the sale of alcohol, whether the alcohol will be for consumption on or off the premises

It is expected that applicants would want licensable activities to stop before the premises are closed to the public. For instance, the serving of alcohol could stop half an hour before the premises are closed, thereby, giving people time to finish their drinks before leaving the premises.

One of the most critical parts of the operating schedule is the section where the applicant describes the steps they intend to take to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section may become a

condition of the licence. However, as a guide the 'Model Pool of Conditions' in annex C in Great Yarmouth Borough Council's Statement of Licensing Policy could be used to see the sort of things that may be expected to be addressed in the operating schedule. Obviously, not all are appropriate to all premises. For example, door supervisors may not be relevant to licensed premises in rural settings as there is not the same customer migration problems as in the town centre.

5. General

Risk assessments - Applicants should demonstrate that they have carried out a thorough risk assessment with regard to all the licensing objectives when preparing their applications. The risk assessment should cover all relevant fire and public safety hazards, and include what measures are to be taken so that the risks will be adequately controlled.

Log Book – maintaining a log book on the premises would be considered as best practice. The log book can be used to record the following:

- All incidents of crime and/or disorder on the premises, the actions taken and by whom
- All incidents of drug abuse on the premises, the actions taken and by whom
- All incidents where drugs are seized
- The following tests: fire alarm, emergency lighting, staff fire drills and fire extinguisher
- Where door supervisors are employed, details of staff on duty and relevant notes
- Where the premise is to open later on a number of occasions throughout the year, the occasions should be recorded to ensure that the permitted number is not exceeded

Signage – Good signage can operate at many levels. At the door, clear signs can clarify the premises policy regarding any age restriction policies such as “over 18s only”, “over 21s only” or “no unaccompanied children”. Whether signs repeat the law or express the policy of the premises it can act as a deterrent and as a tool for staff enforcing the law or the premises policy in a non-confrontational manner. Premises may not need an abundance of signs but they should be used if there are specific problems, or where there is a need to demarcate certain areas for particular activities. Some examples of signs that could be used may include:

“CCTV operates in this area and lawlessness will be reported to the police”

“These premises operates a zero tolerance drugs policy”

“Proof of age for purchase of certain goods may be required”

“Supervised children are welcome in the restaurant area before 8pm”

“No drinks allowed in this area/beyond this point”

Staff training – Well trained staff are an asset to any business. Critical areas of staff training in licensed premises should include a good knowledge of what is and is not permitted on the premises. The chain of command of a licensed premise is very important, particularly at premises retailing alcohol which must have a designated premises supervisor, and there should be a well defined management structure especially for when the designated premises supervisor is not physically on the premises. For instance, a good example would be that the duty manager signs in for duty in the logbook so that it is clear to everybody who is in charge of the premises at any particular time. Other key areas that should be covered include:

- What to do if they think that there is a customer behaviour problem or it is likely to occur.
- What to do and any special responsibilities in case of fire or any other need to evacuate the premises.
- Where the supply of alcohol is concerned or where any age restriction is applicable training should be given and maintained as to what is acceptable proof of age identification and what is not, as the names of cards may change over time and new cards offered the PASS accreditation.
- What is the premises drug policy and what to do if drugs are found on the premise

- What to do if they feel threatened into making an illegal sale and how best to avoid such situations

Moreover, if staff members are well trained they may feel more confident to be more proactive in keeping trouble out of the premises. The best way to arrange this is to have a document which details what the staff training consists of and documentation to show that each member of staff is familiar with the material. This document may be referred to in the operating schedule. Where agency staff are used, be sure that they have received a thorough briefing of what their role is and where possible try and re-use the same staff so that they get to know the premises and clientele.

5.1 Prevention of Crime and Disorder

Applicants should consider the matters listed below when completing the 'Prevention of Crime and Disorder' section of the operating schedule.

The applicant should consider the physical security of the premises, such as CCTV, appropriate lighting, etc. The use of CCTV within licensed premises is a useful tool for addressing crime and disorder and the Licensing Authority would expect high capacity vertical drinking premises (i.e. large nightclubs and pubs with few seats) to provide CCTV. Smaller venues selling alcohol and/or providing certain regulated entertainment may also require CCTV at their premises.

Membership of a crime reduction group such as Pubwatch or Nightsafe. Nightsafe is a local multi agency partnership co-ordinated with the police and the Licensing Authority would expect premises in the town (and, in the future, other areas when this initiative is extended to other parts of the Borough) to be members. It would also be expected that all appropriate premises where alcohol is sold would be members of the Pubwatch scheme.

Membership of an information sharing protocol through a police approved scheme (information such as known trouble makers and recent outbreaks of trouble).

If appropriate, applicants should be an active member of a police led banning scheme, adopt a police approved search policy and a police approved radio link.

Applicants should demonstrate measures to promote intolerance of drugs on the premises and installation of a drugs/weapons amnesty safe. Measures to raise staff awareness of drug and alcohol abuse are also important. The Licensing Authority recommends suitable staff training to recognise the symptoms of drug abuse.

In appropriate premises, recruiting Security Industry Authority (SIA) licensed door supervision staff from a reputable company with SIA approved contractor status. Having procedures in place to check the SIA register of licensed door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence. To get more information about the SIA, please visit www.the-sia.org.uk or call their helpline 08702430100.

Where appropriate, the operating schedule may specify details of when use of plastic or toughened glass will be appropriate as defined by a risk assessment. Plastic may be preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when and where national sporting events are televised. In some premises, it may be necessary to provide toughened or shatter proof glasses, of a type which, when broken, do not enable the remnants to be hazardous, or used as a weapon. Drinking glasses or bottles that may be left (both inside and outside the premises) can be misused and the operating schedule should detail how frequently designated areas will be cleared of any glasses or bottles.

The applicant should ensure that measures are taken to prevent, or substantially limit, alcohol abuse caused by drinking games and continuous drinks promotions. The Licensing Authority supports the advice given by the British Beer and Pub Association and the Portman Group, thus discouraging binge drinking, particularly by the under 25's

5.2 Public Safety

Applicants should consider the matters listed below when completing the 'Public Safety' section of the operating schedule.

Prior to applying for a licence, an applicant shall ensure they have the necessary documentation in place appropriate to their premises, to demonstrate compliance with the public safety objective. These would include some or all of the following:

- Electrical inspection report certificate
- Fire alarm test inspection report
- Emergency lighting inspection test report
- Fire fighting equipment
- Flame retardant properties of materials certificate
- Ceiling certificate
- Staff training records
- Premises log book – recording fire alarm , emergency lighting, staff fire drills and fire extinguisher tests
- Evacuation drills
- Public liability insurance

Applicants must demonstrate that they have carried out a thorough risk assessment with regard to fire and public safety when preparing their applications. The risk assessment should cover all relevant fire and public safety hazards, and include what measures are to be taken so that the risks will be adequately controlled.

Where appropriate and in the interests of public safety, the Licensing Authority recommends licensees to have considered an occupancy level. The maximum number of persons allowed on the premises at any one time should include staff and patrons. The figure stated should take into account current fire safety guidelines and health and safety guidelines to ensure overcrowding is not a problem. Examples of where an occupancy limit may be required would be in a nightclub or a large pub but would also depend on the type of entertainment provided. Please specify if your premises has a capacity of less than 200 people, as there are certain exemptions that might apply for unamplified music.

Premises should have an appropriate fire warning system installed, which should be maintained.

The applicant should demonstrate that their staff have been instructed in all safety precautions including what action is to be taken in case of a fire or other emergency. Fire routines and evacuation procedures shall be regularly checked, practised and recorded.

Applicants should ensure the electrical safety of the mains system including the provision of shock protection systems such as a residual current device.

Applicants should consider what safety checks will be carried out before the admission of the public and how such checks are recorded.

There should be suitable and sufficient levels of lighting so as to ensure the safety of patrons using the premises (normal and emergency lighting).

Applicants should ensure that all exits and exit routes are adequately signed and maintained.

Applicants should ensure that curtains, hangings, decorations and upholstery are all maintained and flame retardant.

Night club owners and dance event organisers are encouraged to seek guidance to ensure the health and safety of anyone attending the events from the safer clubbing guide by visiting www.drugs.gov.uk. This would include chill out areas and access to drinking water.

Where appropriate, including where dance entertainment is taking place, licensees will be required to provide free drinking water.

Applicants should ensure the adequate and appropriate risk related supply of first aid equipment and personnel.

Adequate ventilation should be provided at the premises to ensure patrons do not become overheated.

Where special effects are intended to be used, the applicant should demonstrate that they have considered the specific safety hazards and associated risks concerned with special effects such as dry ice and fog machines, pyrotechnics, foam parties, firearms, lasers and strobe lighting.

Where striptease or lap dancing is to be provided, the applicant must demonstrate that they have considered the specific safety hazards concerning such entertainment (The Licensing Authority has adopted a model set of conditions relating to such performances and these are attached to the Licensing Policy).

Applicants should consider the risk to patrons hearing from loud events, and show how they intend to control and/or give advance warning of this.

5.3 The prevention of public nuisance

Applicants should consider the matters listed below when completing the ‘Prevention of Public Nuisance’ section of the operating schedule.

Applicants should identify the steps taken or proposed to prevent noise and vibration escaping from the premises including music, noise from ventilation equipment, and human voices. Such measures may include the installation of sound proofing, air conditioning, acoustic lobbies etc.

Applicants should carefully consider their hours of operation – for example: restricting times when licensable activities take place such as playing recorded music after a certain time

Applicants should consider measures to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.

Applicants should state how they ensure that staff and patrons leave the premises quietly.

Where appropriate, what arrangements have been made or are proposed for parking by patrons, and the effect of parking on local residents.

What steps have been taken to ensure that taxis and private hire vehicles serving the premises are less likely to disturb local residents.

Where appropriate, what measures have been taken to combat (or clear) increased refuse storage or disposal problems or additional litter in the vicinity of the premises.

The applicant should ensure that activities such as taking out refuse, including glass bottles, does not cause nuisance to neighbours.

Where appropriate, the applicant should ensure that security and other lighting does not create a nuisance to neighbouring residents.

5.4 Protection of children from harm

Applicants should consider the matters listed below when completing the ‘Protection of Children from Harm’ section of the operating schedule.

The applicant should state what measures are in place to avoid illegal sales of alcohol taking place (such as ‘NO ID – NO SALE’ , acceptance of PASS accredited Proof of Age Cards)

Where alcohol is sold, give details of any policy adopted in respect of any proof of age scheme

The applicant should identify the measures taken to ensure that alcohol is not sold by persons under 18 unless that sale has been approved.

The applicant should ensure effective staff training to enable them to challenge with confidence anyone who they consider to be under the age of 18

The applicant should identify what measures are in place to ensure that other people do not purchase alcohol for under 18's (apart from exemptions) to consume on the premises

Where appropriate, what measures will applicants have in place to ensure other people are not purchasing alcohol on behalf of minors?

Where appropriate, what procedures are in place for lost and found children?

Where events are held specifically for under 18s, list the procedures in place to ensure no alcohol is on display, restriction on the hours of the event, how children are supervised, etc.

Where adult entertainment is provided, what measures are in place to ensure that children are not exposed to unsuitable entertainment

The applicant should comply with the Portman Group Code of Practice on the naming, packaging and promotion of Alcohol Drinks.

6. Contact Details

Consultation with relevant responsible authorities is encouraged prior to the submission of an application. Whilst staff will be happy to answer applicant's questions they will not be able to complete application forms or fill in operating schedules. For detailed assistance with the variation process licensees are advised to consult:

- A solicitor
- The Citizens Advice Bureau
- The local Licensed Victuallers Association
- Their brewery
- Any trade organisations of which they are a member

THE LICENSING AUTHORITY

The Licensing Team

Great Yarmouth Borough Council
Town Hall, GREAT YARMOUTH, NR30 2QF
Telephone: 01493 846304 / 846530 Fax: 01493 846608
Email: licensing@great-yarmouth.gov.uk

RESPONSIBLE AUTHORITIES

Copies of applications for Variations (and accompanying documents)

Norfolk Constabulary Licensing Team

4th Floor,
Vantage House,
Fishers Lane,
Norwich
NR2 1ET
Telephone: 01603 276024
Fax: 01603 276025
Email: licensingteam@norfolk.pnn.police.uk

Fire Authority:

Group Manager
Norfolk Fire and Rescue Service
Fire Station
Friars Lane
Great Yarmouth
NR30 2RP
Telephone: 01493 339901
Fax: 01493 339940
Email: Gtyar@fire.norfolk.gov.uk

Environmental Health:

Environment and Health
Town Hall,
Hall Plain,
Gt. Yarmouth,
NR30 2QF
Telephone: 01493 846478
Fax: 01493 846415
Email: health@great-yarmouth.gov.uk

Planning Authority:

Planning and Development
Town Hall,
Hall Plain,
Gt. Yarmouth,
NR30 2QF
Telephone: 01493 846
Fax: 01493 846
Email: planning@great-yarmouth.gov.uk

Child Protection:

Local Child Safeguarding Board
Licensing Act and Child Protection Notifications
Lyndsy Eagle,
Suite B, Sapphire House,
Rountree Way,
Norwich
NR7 8SS
Telephone: 01603 223409
lynsey.eagle@norfolk.gov.uk

Trading Standards:

Legal Process Unit
Trading Standards
County Hall
Martineau Lane
Norwich
NR1 2UD
Telephone: 0844 800 8013
Email: trading.standards@norfolk.gov.uk