**A guide to conditions under the Licensing Act 2003**



**INTRODUCTION**

The conditions below do not form part of any policy and will continue to be developed, if you have any questions about these conditions, please contact the Licensing Office.

The following conditions are offered for consideration by Licensing Hearings Panels should the Panel consider a licence be granted with additional and/ or modified conditions. They may also be offered by applicants/ licence holders through the application or mediation processes.

It is not the intention to apply all these model conditions to each and every licence. It is accepted that any conditions will only be attached to a licence where it is reasonable and proportionate to do so and promotes one or more of the licensing objectives.

Any risk assessment to identify necessary conditions will consider the individual circumstances of the premises including:

* + - * The nature and style of the venue
      * The activities being conducted there
      * The location and
      * Anticipated clientele

# 1.0 CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

## 1.1 CCTV

The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The premises licence holder will ensure that the CCTV is operated in accordance with the latest Information Commissions Officers Guidance and is compliant with the relevant provisions of the Data Protection Act 1998.

The type of system and the number/positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the licence.

The recording medium (e.g. discs/tapes/hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police/Authorised Officers of the Licensing Authority upon request.

The premises licence holder / designated premises supervisor [delete as necessary] is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.

The premises licence holder / designated premises supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.

## 1.2 PERSONAL LICENCE HOLDERS/WRITTEN AUTHORISATION

A personal licence holder must be on the premises at all times when open to the public.

A personal licence holder must be on the premises on (state days) \_\_\_\_\_\_\_\_\_\_\_\_\_\_ between xxxx hrs and close of business.

The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence. This should be maintained and made available for authorised officers

A Supervisor’s Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the designated premises supervisor and all personal licence holders.

## 1.3 RADIO LINKS AND TELEPHONE COMMUNICATIONS

The premises must be linked to a system of communication with the Police and other licensed premises as agreed with the Police and Licensing Authority. The system shall be kept in good working order at all times. When the premises are open to the public, the communications link to the Police and other licensed premises shall be switched on and available to and monitored by the designated premises supervisor or a nominated member of staff. The system to be used to report incidents and warn each other of the presence of potential trouble makers in the area.

The communication system must be used to report information likely to be of interest to other parties to the network as soon as possible.

## 1.4 DOOR SUPERVISORS

The minimum number of door supervisors for the premises is \_\_\_\_\_\_\_\_\_\_\_\_\_

Please specify days and hours door supervisors operate on the premises.

A daily log will contain consecutively numbered pages and must be maintained at the premises showing the full name, date of birth and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors & to authorised officers of the Licensing Authority on request. The daily log will be retained on the premises for a period of twelve months from the date of the last entry.

The door supervisors will be required to possess their registration card whilst on duty

The premises licence holder / designated premises supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The premises licence holder / designated premises supervisor will ensure that staff receive training on the policy.

## 1.5 DRUGS/WEAPONS

The premises licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons.

A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Greater Manchester Police.

## 1.6 RESTRICTING ACCESS TO GLASSWARE

No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic or toughened glass during [time and/ or activity related].

No drink shall be removed from the premises in an unsealed container.

There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present their duties shall be clearly defined. For use in situations where general Health and Safety legislation won’t apply.

Customers are to be prevented from leaving the premises with glasses or open bottles.

Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.

Only plastic glasses/plastic bottles/toughened glass are to be used in the outside areas.

Plastic or toughened polycarbonate (or similar) glasses/bottles will be used when requested by Greater Manchester Police.

No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.

## 1.7 RESTRICTIONS ON DRINKING AREAS

The \*beer garden / \*outside area is not to be used for licensable activities or for the consumption of alcohol after [x] hours daily. (\* delete as applicable).

## 1.8 PROOF OF AGE CARDS

The premises will operate a “Challenge 25” proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official ‘PASS’ accreditation hologram and military ID should to be accepted as proof of age.

## 1.10 PUBWATCH

The premises licence holder / designated premises supervisor will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

## 1.11 ALCOHOL DESIGNATED PUBLIC PLACES ORDERS

The premises licence holder / designated premises supervisor will have a notice indicating the existence and effect of an Alcohol Designated Public Places Order prominently displayed at the exits of the premises.

# 2.0 CONDITIONS RELATING TO PUBLIC SAFETY

## 2.1 SAFETY CHECKS

A suitably trained and competent person must ensure regular safety checks of the premises including means of escape, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.

## 2.3 DISABLED PEOPLE

The premises licence holder / designated premises supervisor must develop and operate a policy which ensures the safe evacuation of disabled people in the event of an emergency.

## 2.4 ACCESS FOR EMERGENCY VEHICLES

Before opening to the public, checks will be undertaken to ensure that all access to the premises are clear for emergency vehicles. Regular checks will be undertaken by the premises licence holder / designated premises supervisor when the premises are open to the public.

## 2.5 FIRST AID

There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined.

The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.

## 2.6 TEMPORARY ELECTRICAL INSTALLATIONS

Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten working days before commencement of the work and/or prior inspection by a suitable qualified electrician.

Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.

## 2.7 INDOOR SPORTS ENTERTAINMENTS

A qualified medical practitioner will be present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.

Any ring is constructed by a competent person and/ or inspected by a competent authority.

At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.

At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Executive and Sport England).

## 2.8 ALTERATIONS TO THE PREMISES

### 2.8.1 Guidance

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises.

The application for variation will enable responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

## 2.9 THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)

## 2.9.1 PREMISES USED FOR CLOSELY SEATED AUDIENCES

### 2.9.2 ATTENDANTS

The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

|  |  |
| --- | --- |
| **Number of Members if the audience present on a floor** | **Minimum number of attendants required to be present on that floor** |
| 1-100 | One |
| 101-250 | Two |
| 251-500 | Three |
| 501-750 | Four |
| 751-1000 | Five |
|  | And one additional attendant for each additional 250 persons (or part thereof) |

Attendants shall not be engaged in duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.

Attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to an authorised person on request.

No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

A copy of any certificate relating to the design, construction and loading of temporary seating shall be kept available at the premises and shall be shown to an authorised person on request.

### 2.9.3 SEATING

Where the potential audience exceeds 250 all seats in the auditorium should be securely fixed to the floor or battened together in lengths of not fewer than four and not more than twelve.

### 2.9.4 STANDING AND SITTING IN GANGWAYS ETC

Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

In no circumstances shall anyone be permitted to-

(i) sit in a gangway;

(ii) stand or sit in front of an exit; or

(iii) stand or sit on a staircase, including landings.

### 2.9.5 DRINKS

No drinks shall be sold to, or be consumed by, a closely seated audience except in plastic and paper containers.

### 2.9.6 BALCONY FRONTS

The premises licence holder/designated premises supervisor will ensure that clothing or other objects will not be placed over balcony rails or upon balcony fronts.

### 2.9.7 SPECIAL EFFECTS

The premises licence holder and the designated premises supervisor will ensure that special effects or mechanical installations should be arranged and stored so as to minimize risk to the safety of the audience, the performers and staff.

Specials effects include:

* + - * dry ice machines and cryogenic fog;
      * smoke machines and fog generators;
      * pyrotechnics, including fireworks;
      * real flame;
      * firearms;
      * motor vehicles;
      * strobe lighting;
      * lasers; and
      * explosives and highly flammable substances.

The premises licence holder and the designated premises supervisor will notify the licensing authority at least two months prior to using any of the defined special effects.

## 2.10 PREMISES USED FOR FILM EXHIBITIONS

### 2.10.1 ATTENDANTS – PREMISES WITHOUT A STAFF ALERTING SYSTEM

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

|  |  |
| --- | --- |
| **Number of members of the audience of the premises** | **Minimum number of attendance required to be on duty** |
| 1-250 | Two |
|  | And one additional attendant for each additional 250 members of the audience present (or part thereof) |
| Where there are more than 150 members of audience in any auditorium or on any floor | At least one attendant shall be present in any auditorium or on any floor |

### 2.10.2 ATTENDANTS – PREMISES WITH A STAFF ALERTING SYSTEM

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

|  |  |  |
| --- | --- | --- |
| **Number of members of the audience present on the premises** | **Minimum number of attendants required to be on duty** | **Minimum number of other staff on the premises who are available to assist in the event of an emergency** |
| 1-500 | Two | One |
| 501-1000 | Three | Two |
| 1001-1500 | Four | Four |
| 1501 or more | Five, plus one for every 500 (or part thereof) persons over 2000 on the premises | Five plus one for every 500 (or part thereof) persons over 2000 on the premises |

Staff shall not be considered as being available to assist in the event of an emergency if they are:

(i) the holder of the premises licence or the manager on duty at the premises; or

(ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or

(iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.

Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

The staff alerting system shall be maintained in working order.

### 2.10.3 MINIMUM LIGHTING

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

# 3.0 CONDITIONS RELATING TO PUBLIC NUISANCE

### 3.1 HOURS

Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The designated premises supervisor or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.

All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.

The \*beer garden / \*outside area is not to be used for licensable activities or for the consumption of alcohol after [x] hours daily. (\* delete as applicable).

On occasions when the premises are used/hired to hold an 18th birthday party, at least one SIA registered security staff is to be employed at the premises for the duration of the function. In addition, on such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 23.00hrs. (Consider such a condition for holders of Club Premises Certificates following noise nuisance representations associated with such use of the club).

Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.

At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.

No Refuse shall be disposed of or collected from the premises between the hours of (insert hours) where such disposal or collection is likely to cause disturbance to local residents.

Where the premises provide food to the public for consumption off the premises there shall be provided at or near the exits, [give number] waste bins to enable the disposal of waste food, food containers, wrappings etc.

Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. *Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.*

The premises shall be closed to customers [x minutes] after licensable activity has ceased.

Clientele must not be admitted to the premises after [xhrs] **or** within [xhrs] of the end of licensable activity.

### 3.2 NOISE AND VIBRATION

The premises licence holder and the designated premises supervisor will ensure that live music will only be permitted to a particular area (define area) of the building.

An effective noise limiting device approved in writing by the Council (which shall so far as possible be tamper-proof) shall be installed and operated in the premises and all noise levels shall be agreed and set to the written satisfaction of the Council. Whenever regulated entertainment is taking place all amplified music (whether live or recorded) and associated sources (e.g. DJ’s and amplified voices/amplified instruments) are to be connected to this noise limiting device

There will be no external loud speakers.

The activities of persons using the external areas will be monitored after 23:00hrs and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour.

The premises licence holder / designated premises supervisor will adopt a “cooling down” period where music volume is reduced towards the closing time of the premises

### 3.3 LITTER

The premises licence holder / designated premises supervisor will ensure that litter arising from people using the premises is cleared away regularly and that promotional material such as flyers do not create litter.

# 4.0 CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

## 4.1 ACCESS FOR CHILDREN TO LICENSED PREMISES – IN GENERAL

The premises will operate a “Challenge 25” proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official ‘PASS’ accreditation hologram should to be accepted as proof of age.

The premises is to maintain a refusals book to record the details of incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police/authorised officers of the Licensing Authority on request.

All individual alcohol containers (e.g. bottles/cans/cartons) before going on display for sale are to be uniquely and indelibly marked in a manner approved by the Greater Manchester Police.

That ALL alcohol be displayed/stored behind the counter.

That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely:

All spirits, flavoured spirits, alco pops (i.e. spirit based drinks mixed with soft drink/flavoured juice etc) which will include and not be limited to products as “Bacardi Breezers” and similar products).

* + - * Cider
      * Lager
      * [other]

No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.

No person under the age of [x] shall be permitted to remain on the premises after [x] hours.

## 4.2 THEATRES

The premises licence holder/designated premises supervisor will provide an adequate number of suitable adult supervisors who can provide care for the children as they move from stage to dressing room etc, and to ensure that all children can be accounted for in case of an evacuation or an emergency.

The venue will be suitable to accommodate safely the numbers of children intended

The premises licence holder / designated premises supervisors must ensure that all supervisors and crew receive instructions on the fire procedures applicable to the venue prior to the arrival of the children.

The premises licence holder / designated premises supervisor will ensure that all special effects e.g. flashing lights, dry ice, smoke etc are suitable for the children involved in the performance

The premises licence holder / designated premises supervisor will ensure that an adult supervisor is stationed in the area(s) or levels which are occupied by children. The supervisors will be placed in the vicinity to exits to the premises. There will be one supervisor per 50 children at all times.

No child will be permitted to occupy the front row of any balcony gallery or tier, unless accompanied by and in the charge of a person who has attained the age of 16 years.

Upon egress from the premises the premises licence holder / designated premises supervisor will deploy staff on exit doors and within the vicinity of the premises to ensure the safe dispersal of children and the premises will not close until all children have left the area.

The premises licence holder / designated premises supervisor will perform the necessary background checks including relevant police checks on all potential staff before offering them employment. The premises licence holder/designated premises supervisor will report any child related concerns to the police he/she has about potential staff, existing staff and customers

The premises licence holder / designated premises supervisor will ensure staff receive training to deal with unaccompanied children on the premises and prevent them from harm

## 4.3 PROOF OF AGE CARDS

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder.