

Committee:	Date:
Licensing	17 February 2014
Subject: Pool of Model Conditions	Public
Report of: Director of Markets and Consumer Protection	For Decision
<u>Summary</u>	
<p>The Pool of Model Conditions used to assist Members and applicants when adding conditions to a premises licence or club premises certificate was last updated on 16 July 2013 by your committee.</p> <p>During the past eighteen months there has arisen the need to add conditions to premises licences which are not included in the ‘Pool’. This report presents an updated ‘Pool’ with an additional three conditions and an amendment to the ‘No promoted Events’ condition recommended by the Police.</p>	
Recommendations	
It is recommended that your Committee:-	
<ul style="list-style-type: none"> • Amend the Pool of Model Conditions by adding the three conditions listed in paragraph eight. • Amend the Pool of Model Conditions by replacing the definition of a promoted event as defined in paragraph nine. • Amend the Policy for ‘making amendments to a premise licence application’ as suggested in paragraph 13. 	

Main Report

Background

1. The Licensing Act 2003 permits conditions to be added to a premises licence or club certificate in order to assist in the promotion of the four licensing objectives namely:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
2. Generally, these conditions are suggested by the applicant at the time of the application or added by Members following a licence hearing or review.
3. Conditions attached to a licence or certificate are the steps or actions the holder of the premises licence or the club premises certificate will be required to take,

or refrain from taking, at all times when licensable activities are taking place at the premises in question. Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unequivocal and unambiguous.

4. In order to assist applicants and Members, the City of London have a 'Pool of Model Conditions' containing a non-exclusive list of typical conditions which can be used. The list was generated and made available in 2008 but completely revised in July 2013.
5. Officers of the Licensing Team have delegated authority to issue premises licences, and attach conditions consistent with the operating schedule, where an application for a premises licence does not receive any representations. Officers also have delegated authority to accept an amended application in accordance with the policy agreed by this Committee on 10 May 2012 and attached as Appendix 2 to this report.
6. Conditions can only be attached to a premises licence, as a result of an amended application, if the conditions are similar to or contained within the Pool of Conditions (paragraph 1(iii) of the Policy in Appendix 2).

Current Position

7. Since the previous list was issued it has been recognised that a small number of conditions are being requested by applicants and/or attached to a licence by the Licensing Sub-Committee, on a regular basis.
8. The conditions being requested are suggested as appropriate as they define accurately the controls that the Licensing Service/City Police need to be put in place to be both more enforceable and clearer to the licence holder. The conditions are as follows:
 - The licence holder shall install and maintain a membership, identification and age verifier such as club scan or similar, which will provide a full face photograph, for use on (insert dates e.g. Friday and Saturday nights) and at all promoted events. No patrons, DJs or performers (along with their guests and entourages) shall be admitted or re-admitted to the premises at promoted events unless they have provided documentation accepted by the ID scanner. The ID scanner device shall be stored and maintained by fully trained staff.
 - The premises licence holder shall advise the Police of any promoted event* that is to take place at the premises by completing a Risk Assessment form provided by the Police and submitting this to the City of London Police Licensing Office, at least 14 days before the event. The debrief part of that form must be completed by the premises licence

holder, or someone acting on their behalf, and submitted to the Police not more than seven days after the event.

- There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the DPS, shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable after discovery. Whenever this box is emptied, all of its contents must be given to the City of London Police for appropriate disposal.

9. The City of London Police have also requested that the definition of a promoted event be amended to read:

- A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and/or the event is (independent of the premises licence holder) promoted to the general public.

The current definition can be found in Appendix 1, condition MC2

10. By adopting the new definition promoted events which occur outside the currently defined timespan (23:00 – 07:00) and those that do not include both music and dancing will now be included. Also, those events that use DJ's not employed by the premises licence will still fall within the definition of a promoted event whether or not it is independently promoted to the general public.

11. Occasionally, the Licensing Sub-Committee has found it appropriate and necessary to attach conditions to a premises licence, which do not appear in the Pool of Conditions, in order to ensure that the licensing objectives are not being undermined.

12. The process of granting a premises licence could be made more efficient and expeditious, following such an occurrence, if the policy was amended so that if on a subsequent occasion the licensing authority receive an application for a premises licence where:

- the operating schedule suggests a condition similar to one that the Licensing Sub-Committee has previously attached to a licence, albeit it does not appear in the Pool of Conditions, or
- the applicant wishes to amend an application before the last date by adding a condition which the Licensing Sub-Committee has previously attached to a licence, albeit it does not appear in the Pool of Conditions

Officers could grant/accept an amended application as appropriate. Such conditions would then come before this committee at subsequent amendments to the Pool of Conditions.

13. The above changes to the Policy could be achieved by amending the Policy by replacing 1(iii) with the following paragraph:

1. iii) Adds conditions that restrict the licensable activities provided that any conditions are in line with those agreed by Members and published in the City Corporation's 'Pool of Model Conditions', or have been attached to a premises licence by the Licensing Sub-Committee since the last amendment of the Pool of Conditions.

And by replacing paragraph 2 with the following paragraph:

2. Where an applicant wishes to amend his application after the 'last date', or wishes to amend his application before the 'last date' with a condition not in line with the 'Pool of Model Conditions' or one agreed by the Licensing Sub-Committee since the last amendment of the Pool of Conditions, an amended application will not be permitted.

Conclusions

14. The process of granting a premises license can be made more expeditious by amending the policy as suggested in paragraph 13, adding the conditions in paragraph 8 and making an amendment to a condition as stated in paragraph 9.

Implications

15. There are no financial, legal or strategic implications in this report.

Appendices

Appendix I – Pool of Conditions

Appendix 2 – Policy for amendments to applications

Background Papers:

'Pool of Conditions for use in Premises Licences' report 16 July 2012

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POOL OF MODEL CONDITIONS

The Prevention of Crime and Disorder.

CCTV

MCO1 The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

{n.b. The above condition is an example of the wording that could be used for premises where the customers might commit serious crime. The CCTV requirements would be expected to be 'scaled down' accordingly for smaller premises or those premises which are unlikely to prove as troublesome.}

Promoted Events

MC02 There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public .

Incident Management

MC03 An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people) *[There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]*
- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed

to sell it

Door Supervisors

MC04 On any occasion that regulated entertainment is provided, not less than** SIA registered door supervisors shall be engaged to control entry.

MC05 At least ** female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.

MC06 When the premises is carrying on licensable activities after **:** hours, at least ** registered door supervisor(s) is(are) to be on duty at each door used for entry or exit.

MC07 A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.

Late night Provisions

MC08 There shall be no admission or readmission of customers to the premises after **:** hours save for customers using the agreed smoking area at the premises .

MC09 On occasions where licensable activities are carried on past **:** hours admission of customers will be restricted to [*enter restriction e.g. a particular entrance, a particular area of the licensed premises etc*].

Public Safety

MC10 All glasses in use at the premises shall be either toughened glass or polycarbonate material.

MC11 No drinks of any sort are to be supplied to customers in glass bottles.

The Prevention of Public Nuisance

Noise (regulated entertainment)

MC12 All doors and windows shall remain closed at all times after **:** hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.

MC13 Loudspeakers shall not be located in the entrance lobby, [*specify another location if appropriate*] or outside the premises.

Noise (persons)

MC14 A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

MC15 Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

MC16 Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them. .

MC17 There shall be no sale of alcohol in unsealed containers for consumption off the premises.

MC18 The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.

The Protection of Children from Harm

MC19 A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under ** years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the City of London Corporation.

MC20 A 'Challenge **' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of** shall provide documented proof that he/she is over ** years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

MC21 Children under the age of** years shall not be allowed on the premises after **:**:** hours unless accompanied by an adult.

MC22 Children under the age of** years shall not be allowed on the premises.

MC23 No single cans or bottles of beer or cider shall be sold at the premises.

General

MC24 Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.

MC25 Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

MC26 Alcohol shall be sold to customers by waiter/waitress service only.

MC27 There shall be no sales of alcohol for consumption off the premises

MC28 There shall be no self-service of spirits on the premises.

MC29 Sales of alcohol for consumption off the premises shall only be supplied with a meal.

MC30 There shall be no admission after xx:xx other than to

- Residents of the hotel and their bona fide guests
- Persons who have pre-booked to attend a function at the premises

MC31 No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.

**POLICY FOR DEALING WITH AMENDMENTS TO
AN APPLICATION FOR A PREMISES LICENCE**

1. Where a representation has been received in respect of an application prior to the 'last date' the Licensing Service will, if practicable, try to assist the applicant and the person(s) making the representation(s) to reach an agreement in order to avoid the need for the matter to be heard by a Licensing Sub Committee. In order to achieve this agreement an applicant will be permitted to amend his application providing the amendment:

i) Brings forward the terminal hour of any licensable activity; or

ii) Reduces the number of licensable activities; or

iii) Adds conditions that restrict the licensable activities provided that any conditions are in line with those agreed by Members and published in the City Corporation's 'Pool of Model Conditions'.

2. Where an applicant wishes to amend his application after the 'last date', or wishes to amend his application before the 'last date' with a condition not in line with the 'Pool of Model Conditions', an amended application will not be permitted.

3. Where such an amendment, if permitted, would have resulted in all current representation(s) being withdrawn all parties will be consulted as to the necessity for conducting a hearing. All parties in these circumstances are the applicant, objector(s) and the Licensing Authority (i.e. the Members of the Licensing Sub-Committee).

4. If all parties agree that a hearing is not necessary then the application will be considered by the Sub-Committee relying totally on the documentation supplied with the hearing report. Members will consider the matter taking into account:

- the proposed amendment
- any representations
- the fact that objectors are happy to withdraw their representation(s) if the amendment is permitted

5. In all other circumstances a hearing will be required.