

Committee(s):	Date(s):	
Licensing Committee	16 July 2012	
Subject: Pool of Conditions for use in Premises Licences	Public	
Report of: Director of Markets and Consumer Protection	For Information	
<u>Summary</u>		
<p>The ‘bucket’ of conditions previously used to assist Members and applicants when adding conditions to a premises licence or club certificate has been updated. This is due primarily to finding various conditions within the document that are unenforceable, irrelevant and/or do not meet the criteria in the Government guidelines issued under s.182 of the Licensing Act 2003.</p> <p>This report provides the new list, renamed the ‘Pool of Model Conditions’, which has been extensively revised following consultation with Members, and the deliberations of the Chairman, Deputy Chairman and Alderman Walsh. The extant Pool of conditions is attached at Appendix One</p> <p>Recommendation: Members are requested to note the contents of the report.</p>		

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

Generally, these conditions are suggested by the applicant at the time of the application or added by Members following a licence hearing or review.
2. 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
3. In order to assist applicants and Members, the City of London have previously had a ‘bucket of conditions’ containing a non exclusive list of

typical conditions which can be used. The list was generated and made available in October 2008.

4. Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unequivocal and unambiguous. Since the previous list was issued it has been recognised that some of the conditions were unenforceable and others irrelevant.
5. In October 24 2011 The Committee considered a report of the Director of Markets and Consumer Protection which introduced an updated pool of conditions The report highlighted that the previous 'bucket' of conditions had been updated primarily due to finding various conditions within the document which were unenforceable, irrelevant and/or did not meet the criteria in the Government guidelines issued under s.182 of the Licensing Act 2003.
6. The Chairman invited any Members that had any observations or comments on the nature of the proposed 'pool of conditions' to inform the Town Clerk and thereafter the proposed conditions would be agreed by way of delegated authority by the Town Clerk in consultation with the Chairman, Deputy Chairman and Alderman Simon Walsh.
7. Subsequently the Committee received training from Elliot Gold of 5 Essex Court, which included commentary on the drafting of conditions. The Chairman, Deputy Chairman and Alderman Simon Walsh have taken this into account along with their own knowledge and experience, when considering the current Pool of conditions which have now been approved. (see Appendix 1).
8. The Pool has been emailed to each Member of the Licensing Committee for information and will be available on the new City Corporation web site for use by applicants. The pool of model conditions does not restrict any applicant, responsible authority, or interested party from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers necessary for the promotion of the licensing objectives.

Corporate & Strategic Implications

9. There are no financial, legal or strategic implications that arise from this report

Background Papers:

Pool of Conditions for use in Premises Licences Report October 24 2011

Appendix 1 Pool of Licensing Conditions

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