

Committee(s):	Date(s):	Item no.
Licensing Committee	24 October 2011	
Subject: Pool of Conditions for use in Premises Licences	Public	
Report of: Director of Markets and Consumer Protection	For Decision	
<p>Summary:</p> <p>The ‘bucket’ of conditions currently 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 introduces the new list, renamed the ‘Pool of Model Conditions’. In addition, the list now has some basic guidance for its use and the use of conditions in general.</p> <p>Members are invited to make whatever amendment they wish to the ‘pool’ of conditions if they feel that by doing so would further promote the licensing objectives.</p> <p>Recommendations:</p> <p>That Members approve the appendix to this report entitled ‘City of London - Licensing Act 2003 Pool of Model Conditions’, subject to any additions or amendments they deem suitable.</p>		

Main Report

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 currently have 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 and can be found on the City of London's web site or by clicking ([Download bucket of model conditions here](#)).
4. Conditions are required to be clear, necessary and enforceable and must be expressed in terms that are unequivocal and unambiguous. Since the list was issued it has been recognised that some of the conditions are unenforceable and others irrelevant. Further, some do not meet the criteria laid down in the Government guidelines made under s.182 of the Licensing Act 2003 e.g. those conditions relating to unauthorised advertising (covered by other legislation), conditions permitting only a certain percentage of the premises to be used for licensable activities (ambiguous).
5. The list has therefore been redrafted and attached as Appendix One to this report. The term 'bucket' has also been replaced with the more widely used term 'pool'. Experience shows that this Pool of Model Conditions is used extensively by new applicants when seeking a premises licence. The use of unenforceable and/or irrelevant conditions does not assist Members when a matter is brought before them by way of a hearing or review.
6. The Pool of Conditions is neither exclusive nor exhaustive. However, Members are asked to add to, remove, or amend those conditions which they feel will provide a difficulty if brought before them when asked to adjudicate a hearing or review.

Implications

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

Background Papers:

Current 'Bucket of Conditions' available on the City of London website.

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City of London - Licensing Act 2003

Pool of Model Conditions

When applying for a new premises licence or club premises certificate, or to vary an existing licence, the applicant must ensure that, when licensable activities are taking place, the four licensing objectives are promoted namely:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

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, necessary and enforceable and must be expressed in terms that are unequivocal and unambiguous. Further, such conditions should be open, transparent and reasonable. Conditions must not be applied universally and treated as standard conditions. Licensing conditions are to be tailored to the size, style, characteristics and activities taking place at the premises concerned. Licence conditions are not required where other regulatory regimes provide sufficient protection to the public e.g. Fire Safety legislation.

The pool of model conditions is a neither exclusive nor exhaustive. The model conditions relate to the four licensing objectives and can be used where necessary and appropriate to the particular circumstances of individual premises.

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.

Further information relating to conditions can be found in the amended guidance issued under section 182 of the Licensing Act 2003 which can be found by clicking on the following link:

<http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/publications/alcohol/guidance-section-182-licensing?view=Standard&pubID=836513> .

Information can also be found within the City of London Corporation's 2011 Licensing Policy which can be found on the following page:

http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading/Licensing+Act+2003.htm .

The Prevention of Crime and Disorder.

CCTV

- MC01 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the City of London Police Crime Reduction Officer. All entry and exit points 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 recent data or footage with the absolute minimum of delay when requested.

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.
- MC03 The premises licence holder shall advise the Police of any promoted event that is to take place at the premises by completing the 696 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 of the form must be completed by the premises licence holder and submitted to the Police not more than seven days after the event. 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.
- MC04 When a promoted event is held, SIA registered door supervisors must be employed from the start of the event until ** minutes after the end of the event. The ratio of door supervisors will be 1 door supervisor to every 50 patrons unless previously agreed with the City of London Police Licensing Office. Supervisors must include at least one female. 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

- MC05 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 patrons
 - (c) any incidents of disorder
 - (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
 - (g) any visit by a relevant authority or emergency service

Door Supervisors

- MC06 On any occasion that regulated entertainment is provided, not less than ** SIA registered door supervisors shall be engaged to control entry and maintain order at the premises.
- MC07 A written search policy approved by the City of London Police 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 and be available for inspection by an authorised officer of the licensing authority or Police.
- MC08 All door supervisors engaged in keeping order or controlling entry to the premises shall wear high visibility jackets or arm bands.
- MC09 At least ** female door supervisor(s) are to be provided to keep order at the premises at such times as door supervisors are required to be provided.
- MC10 When the premises is open after **:**:** hours, at least ** registered door supervisor is to be on duty at each door used by patrons for entrance and exit.

Late night Provisions

- MC11 When the premises are open after **:**:** hours the designated premises supervisor or nominated assistant manager shall complete the 696 risk assessment form and submit it to the Metropolitan and City of London Police as detailed on the form at least 14 days prior to the event.
- MC12 There shall be no admittance or re-admittance to the premises after **:**:** hours save for customers using the agreed smoking area at the premises.

- MC13 Not less than ** Members of staff shall be on the premises after **:** hours until close, one of whom shall be a personal licence holder.
- MC14 On occasions where licensable activities are carried on past **:** hours entry will be restricted to *[specify area]*.

Public Safety

- MC15 The number of persons admitted on the premises at any one time shall not exceed ** persons.
- MC16 All glassware in use at the premises shall be either toughened glass or polycarbonate material.
- MC17 No drinks shall be served in glass containers at any time.
- MC18 Any special effects or mechanical installations e.g. dry ice/fog machines, lasers, strobe lighting etc., shall be arranged so as not to create a risk to the safety of those persons using the premises.

The Prevention of Public Nuisance

Noise (regulated entertainment)

- MC19 All doors and windows shall remain closed at all times after **:** hours during the provision of regulated entertainment save for access or egress and in the event of an emergency.
- MC20 No licensable activity shall take place in any external parts of the premises after **:** hours.
- MC21 A noise limiting device shall be installed, fitted and maintained at the premises in such a manner as to control the volume of all amplified music or speech at the premises. The noise limiter shall be calibrated and secured to the satisfaction of the City of London's Environmental Health Service.
- MC22 All reasonable steps shall be taken to ensure that regulated entertainment at the premises does not create noise that is more than 5 dB(A) above the ambient background level at 1 metre from the façade of *****.
- MC23 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
- MC24 Loudspeakers shall not be located in the entrance lobby, party wall or outside the premises.

Noise (persons)

- MC25 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. The policy to be approved by the Chief Community Safety Officer.
- MC26 A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly and respect the local area and residents.
- MC27 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of the local residents and use the area quietly.
- MC28 Patrons permitted to temporarily leave and remain outside the premise to smoke, shall be limited to ** persons at any one time.
- MC29 Patrons 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. .
- MC30 There shall be no sale of alcohol (*in unsealed containers*) for consumption off the premises after **:** hours.
- MC31 The Licence holder shall make available a contact telephone number to nearby residents and the Local Licensing Authority to be used in the event of complaints arising from the use of the premises for licensable activities.

Litter

- MC32 Refuse shall be cleared from the front of the premises at least ** during, and at the end of, the course of the licensable activity.
- MC33 No disposal of waste or empty bottles shall take place outside the building after **:** hours or before **:** hours the following day.
- MC34 A prominent sign shall be displayed at all exit points to the premises requesting that customers dispose of their litter in the receptacles provided.
- MC35 The Licence holder shall provide an adequate number of waste receptacles for use by patrons. These shall be agreed in writing with the City of London Environmental Health Service.
- MC36 The highway from the building line to the kerb edge immediately outside the premises shall be kept free of litter and, at the end of licensable activities, swept/washed as appropriate.

The Protection of Children from Harm

- MC37 A log shall be kept at the premises and record all refused sales of alcohol. 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.
- MC38 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 or an industry approved proof of age identity card.
- MC39 A prominent sign shall be displayed at all sales points advising customers that the premises operates a ‘Challenge **’ proof of age scheme.
- MC40 Children under the age of ** years shall only be present on the premises after **: ** hours if accompanied by an adult.
- MC41 Children under the age of **: ** years shall not be allowed on the premises.
- MC42 No single cans or bottles of beer or cider shall be sold at the premises.

General

- MC43 There shall be a personal licence holder on duty on the premises at all times whenever a licensable activity is taking place at the premises.
- MC44 An attendant shall be on duty in the cloakroom during the whole time that it is in use.
- MC45 The designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear subject to the necessary consents/approvals from the highway authority.
- MC46 The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- MC47 The supply of alcohol at the premises shall only be to a person seated taking a table meal and for the consumption by such a person as ancillary to their meal.
- MC48 The supply of alcohol shall be by waiter or waitress service only.

- MC49 Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.
- MC50 There shall be no sales of alcohol in unsealed containers for consumption off the premises *after **:** hours*.
- MC51 No licensable activity shall take place in the *[specify area]* after **:** hours.
- MC52 No super strength beer, lagers or ciders of 6.0% ABV or above shall be sold at the premises.
- MC53 There shall be no self service of spirits on the premises.
- MC54 Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.
- MC55 Admission to the *[specify area if relevant]* shall be through the *[specify means of entry]* only.
- MC56 In relation to the xxxx there shall be no admission after xx:xx other than to
1) Residents of the hotel and their bona fide guests
2) Persons attending the pre-booked function
- MC57 No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1986, shall be provided.
- MC58 There shall be no striptease or nudity.