

Appendix 3²

City of London

Licensing Act 2003

- Pool of Model Conditions

1. Introduction

- 1.1. This document sets out the general principles on licence conditions that can be included on premises licences or club premises certificates issued under the provisions of the Licensing Act 2003 (the Act).
- 1.2. In conducting its licensing functions, the City of London Corporation (the City) must have regard to S182 Guidance (the Guidance) issued under the Act by the Secretary of State. The Guidance states that conditions on a licence set out the parameters within which premises can lawfully operate and that failure to comply with a condition is an offence under the Act.
- 1.3. Conditions must therefore be precise and easy for a licence holder to observe. They must be clear in what they intend to achieve, appropriate for the promotion of the licensing objectives and enforceable and must be expressed in a prescriptive format that is unambiguous.
- 1.4. This document contains a pool of model conditions drawn up by the licensing authority and the relevant responsible authorities, which are considered appropriate and enforceable. They can be used to encourage a consistent approach by applicants, responsible authorities, other persons, and licensing sub-committee members when proposing or imposing conditions on a licence.

2. Applicants

- 2.1. 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. ~~In order to assist with this process applicants are advised to contact the licensing service (telephone 020 7332 3406 or email licensing@cityoflondon.gov.uk) and/or the City of London Police Licensing Team and the Environmental Health Pollution Team prior to making the application in order to discuss any possible issues~~ Conditions that are appropriate to promote the licensing objectives should initially emerge from a risk assessment completed by an applicant which can be translated into their operating schedule. In preparing their operating schedule, an applicant should consider the City's Statement of Licensing Policy and the City's Code of Good Practice for Licensed Premises. An applicant can propose appropriate conditions from this pool of model conditions.
- 2.2. Applicants are advised to contact the licensing team at licensing@cityoflondon.gov.uk for a pre-application meeting. The licensing team will liaise with the relevant responsible authorities including the City of London Police and Environmental Health to coordinate a site visit, where expert advice can be offered on the City's policies, and any site-specific

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concerns relating to the four licensing objectives that need to be considered in the operating schedule.

3. Responsible Authorities and other persons

3.1. Responsible authorities can propose appropriate conditions from this pool of model conditions to address any concerns identified during a pre-application meeting.

3.2. Once an application is received, all parties are expected to work in partnership for the collective promotion of the licensing objectives. If a responsible authority or other person is considering making a representation, they may propose a condition to the applicant from this pool of model conditions, where it is appropriate to promote the licensing objectives. This may lead to the matter being resolved without the need for a hearing if all parties agree.

4. Licensing Sub-Committee

4.1. Where relevant representations are made to an application and not withdrawn, a licensing sub-committee will hear the application. Having had regard to the representations, the licensing sub-committee may decide to grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Conditions are modified if any of them is altered, omitted or any new condition is added. For consistency, members of the sub-committee may propose appropriate conditions from this pool of model conditions.

5. Model conditions

The 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. Further, such conditions should be open, transparent and reasonable.

5.1. model conditions are not a standard set of conditions but a source of example conditions that are enforceable and can be used to encourage a consistent approach by applicants, responsible authorities, other persons, and licensing sub-committee members when proposing or imposing conditions on a licence. They must not be applied universally to licences and any proposed or imposed condition must be appropriate to the activities taking place at the premises.

The model conditions are not exclusive or exhaustive and do not restrict any applicant, responsible authority, or other person.

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.

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

5.2. ~~The pool of model conditions does not restrict any applicant, responsible authority, or other persons~~ from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any ~~reasonable~~ ~~alternative enforceable~~ condition on a licence it considers appropriate ~~and proportionate~~ 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://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing>~~

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>~~

5.3. The model conditions are listed under the licensing objective headings.

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The Prevention of Crime and Disorder.

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CCTV

MC01 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, 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 **always** 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 Licensing Authority recordings of the preceding two days immediately when requested.

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[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 'sealed down' accordingly for smaller premises or those premises which are unlikely to prove as troublesome.]

Promoted Events

MC02 Promoted events will not be held at the premises. A promoted event is an event 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 ~~licensee~~ (premises licence holder), ~~(the licensee)~~, and the event is ~~(independent of the licensee)~~ promoted to the general public ~~independent of the licensee.~~

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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:

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- (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)
- (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

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- ~~(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

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MC04 ~~On any occasion that regulated entertainment is provided, not less than ******. A minimum of (x) SIA registered door supervisors shall be engaged to control entry on duty at the premises on (day) from (start time) until close of business.~~

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MC05 ~~At least ****** A minimum of (x) female SIA registered door supervisor(s) shall be engaged on duty at the premises at such times as door supervisors are required to be provided on (day) from (start time) until close of business.~~

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MC06 When the premises is carrying on licensable activities after ~~****** (x) hours, at least ****** a minimum of (x) registered door supervisor(s) is(are) to be on duty at each.~~
(a) ~~The number of door supervisors will be employed on a ratio of (1:x); or~~
(b) ~~The number of door supervisors shall be determined by a risk assessment completed by the licence holder. A copy of the risk assessment shall be retained on the premises and made available for entry or exit inspection by a police officer and/or an authorised officer of the licensing authority on request.~~

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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. ~~A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.~~

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Late night Provisions

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

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

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Public Safety

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

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

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The Prevention of Public Nuisance

Noise (regulated entertainment)

MC12 All ~~external doors, [lobby doors]~~ and windows shall ~~remain~~ be kept closed ~~at all times~~ after ~~****** (x) hours~~ during the provision of regulated entertainment, save for entry or exit, or in the event of an emergency.

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

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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. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.

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~~MC15~~MC15 A noise management plan shall be in place to identify how noise arising from all sources of noise including regulated entertainment, plant, and pa systems shall be effectively controlled so as to minimise the risk of public nuisance and how any complaints of noise will be dealt with. A copy of the plan shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.

~~MC16~~ All music and digital announcements shall be controlled through a digital sound processing unit (DSP) with a limiter, the limits for which shall be set and maintained at a level agreed with environmental health.

~~MC17~~ Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

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~~MC18~~MC18 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.

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~~MC19~~MC19 There shall be no sale of alcohol in unsealed containers for consumption off the premises.

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~~MC20~~MC20 There shall be no sale of alcohol in unsealed containers for consumption off the premises, save that consumption in unsealed containers is permitted on [designated outdoor space] or [to customers seated at authorised external furniture] only until (x) hours daily.

~~MC21~~ 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.

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~~MC22~~ The [designated outdoor space] shall not be used for licensable activity beyond (x) hours.

~~MC23~~ Windows and doors accessing the [designated outdoor space] shall be kept closed after (x) hours.

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The Protection of Children from Harm

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~~MC24~~MC24 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

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refused the sale. The log will be made available on request by the Police or an authorised officer of the ~~City of London Corporation.~~

City of London Corporation.

~~MC20~~

~~MC25~~ 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.

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~~MC21~~~~MC26~~ Children under the age of ** years shall not be allowed on the premises after ~~**:(x)~~ hours unless accompanied by an adult.

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~~MC22~~~~MC27~~ Children under the age of ** years shall not be allowed on the premises.

~~MC23~~~~MC28~~ No single cans or bottles of beer or cider shall be sold at the premises.

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General

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~~MC24~~~~MC29~~ Any designated queuing area shall be enclosed within ~~appropriate~~ barriers* to ensure that the highway is kept clear.
*subject to being authorised by a pavement licence,

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~~MC25~~~~MC30~~ Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

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~~MC26~~~~MC31~~ Alcohol shall be sold to customers by waiter/waitress service only.

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~~MC27~~~~MC32~~ There shall be no sales of alcohol for consumption off the premises.

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~~MC28~~~~MC33~~ There shall be no self service of spirits on the premises.

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~~MC29~~~~MC34~~ Sales of alcohol for consumption off the premises shall only be supplied with a meal.

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~~MC30~~~~MC35~~ There shall be no admission after ~~**:(x) hours~~ other than to
1) Residents of the hotel and their bona fide guests
2) Persons who have pre-booked to attend a function at the premises

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~~MC31~~~~MC36~~ No entertainment, performance, service, or exhibition ~~involving of~~ nudity or sexual stimulation shall be permitted.

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Shadow Licences

~~MC37~~ This licence may not be used to provide licensable activity unless the Licensing Authority and Police are informed of the intention to use it, by the licence holder, at least 14 days prior to use.

MC38 When the licence is in use for licensable activity and the summary is displayed no other licence summary will be displayed at the same time.

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