



MODEL CONDITIONS RELATING TO THE LICENSING ACT 2003

AMENDED JANUARY 2014

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INTRODUCTION

This document has been designed to support applicants and existing licence holders through the application or mediation processes. It may also be considered by responsible authorities and by the Council's Licensing Committee.

It is not anticipated that all of these conditions will be attached to every licence, but only those where it is reasonable and proportionate to do so to promote one or more of the licensing objectives.

In determining what conditions are appropriate, it will be necessary to 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.

We would particularly like to remind applicants of their existing legal obligations regarding:-

- Irresponsible Drinks Promotions,
- Selling alcohol to a person who is drunk, and
- Fire Risk Assessments.

Irresponsible Drinks Promotions

There are 5 mandatory conditions attached to all premises licenses regarding irresponsible drinks promotions.

Since the introduction of the mandatory code regarding drinks promotions in 2010, there has been considerable confusion amongst the licensed trade; the Police and Licensing Authorities in the understanding of the meaning of an irresponsible drinks promotion.

However, regardless of the legal meaning of an irresponsible drinks promotion, licensees and premises supervisors are reminded of their moral and social responsibilities in ensuring that they refrain from offering any promotions that are designed to encourage people to drink excessive amounts of alcohol, or drink more than they would normally do.

We would ask that operators consult either the Police Partnership Team or the Council's Licensing Office before proceeding with any drinks promotions. (Police- 0161 8567104, Council's Licensing-01942 404627)

Sale of Alcohol to a Person who is Drunk

Licensees and premises supervisors are also reminded of the offence of selling alcohol to a person who is drunk, and to ensure that all staff are aware of the consequences.

Research published by Drinkwise (May 2012) showed that the cost of alcohol-related harm to the Borough in 2010-2011 was £123.97 million. This equates to £403 per head of the population in Wigan. Reducing alcohol-related harm is a key priority for the Borough and is addressed through the Local Alcohol Strategy 2013-2016.

Fire Risk Assessments

The Regulatory Reform (Fire Safety) Order 2005 places a requirement on the responsible person within any organisation to carry out risk assessments to identify, manage and reduce the risk of fire. This involved 5 steps-

- Identify any fire hazards, e.g. sources of ignitions, fuel or oxygen,
- Identify anyone who could be at risk e.g. a customer who is disabled,
- Evaluate the risk from fire, remove or reduce the risk, and protect from risk by providing fire precautions,
- Record your findings, prepare an emergency plan, inform and train your staff on procedure, and
- Review your fire risk assessment regularly and make necessary changes.

For more information, please contact 01204 902110.

Please see attached link giving advice to employers:-

www.manchesterfire.gov.uk/fire_safety_advice/business_fire_safety.aspx

This is not a definitive list of model conditions, and applicants may of course offer any conditions that they think are appropriate in relation to their premises, to promote the licensing objectives.

The conditions have been prefixed to identify the licensing objective that they seek to address, although some may apply to more than one of the objectives:-

- CD-Crime and Disorder
- PS- Public Safety
- PN-Prevention of Public Nuisance
- CH-Protection of Children from Harm

1.0 CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

1.1 Communications between Premises and Council's Central Watch

- CD1 A method of communicating between the Council's Central Watch and other licensed premises by way of text / pager or radio links shall be provided at the premises and kept in good working order at all times.
- CD2 Every incident of crime or disorder in the premises shall be reported via the text / pager or radio link to the Council's Central Watch by the Designated Premises Supervisor or a nominated member of staff.
- CD3 The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with. (Note, where the premises hold a club premises certificate, there is no requirement for a Designated Premises Supervisor).

1.2 Door Supervisors

- CD4 The minimum number of door supervisors for the premises is _____
(please specify days and hours)
- CD5 A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-
- the door supervisor's name, date of birth and home address;
 - his / her Security Industry Authority licence number;
 - the time and date he / she starts and finishes duty;
 - the time of any breaks taken whilst on duty;
 - each entry shall be signed by the door supervisor.

That register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or a Police Constable and will be retained on the premises for a period of 12 months from the date of the last entry.

- CD6 The door supervisors will possess their Security Industry Association badge whilst on duty.
- CD7 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.

1.3 CCTV

- CD8 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.
- CD9 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.
- CD10 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 Constable / Authorised Officer of the Licensing Authority upon request.
- CD11 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.
- CD12 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.

1.4 Glassware

- CD13 Customers are to be prevented from leaving the premises with glasses or open bottles.
- CD14 Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- CD15 Only plastic glasses / plastic bottles / toughened glass to be used in the outside areas.
- CD16 There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
- CD17 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.)
- CD18 Plastic or toughened polycarbonate (or similar) glasses / bottles will be used when requested by Greater Manchester Police.

CD19 No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.

1.5 Personal Licence Holders / Written authorisation

CD20 A Personal Licence holder must be on the premises at all times when open to the public.

CD21 A Personal Licence holder must be on the premises on (state days) _____ between _____ hrs and close of business.

CD22 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.

CD23 Details of the names, addresses and up-to-date contact details for the Designated Premises Supervisor and all Personal Licence holders shall be maintained and kept on the premises.

1.6 Education / Awareness / Prevention

CD24 There shall be displayed on the premises such information as to inform and advise customers of potential consequences of excessive alcohol consumption
e.g. domestic abuse, safe drinking levels, sexual health.

1.7 Drugs / Weapons

CD25 The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.

CD26 A suitable 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.

CD27 There shall be displayed on the premises, information regarding drugs awareness.

1.8 Pub and Club Watch Schemes

CD28 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.

1.9 Incident Book

CD29 The premises is to maintain an incident book to record details of the following:-

- Any violence or disorder on or immediately outside the premises,

- Any incident involving controlled drugs (supply / possession or influence) on the premises,
- Any other crime or criminal activity on the premises,
- Any call for police assistance to the premises,
- Any ejection from the premises,
- Any first aid/other care given to a customer.

1.10 Training

CD30 Any staff employed at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on preventing the sale of alcohol to somebody who is drunk and any other relevant matter. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority.

1.11 High Strength Alcohol

CD31 The premises shall not sell any beer or cider that has an ABV of 6.5% or above.

2.0 CONDITIONS RELATING TO PUBLIC SAFETY

2.1 Safety Checks

- PS1 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.

2.2 Evacuation of Disabled Persons

- PS2 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. All staff shall be made aware of these arrangements.

2.3 First Aid

- PS3 There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
- PS4 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.
- PS5 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.

2.4 Access for Emergency Vehicles

- PS6 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 Capacity

- PS7 The maximum number of persons allowed in the premises shall be (insert numbers, areas and occasions).

PS8 A person who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if required to do so, give that information to an authorised person.

2.6 Temporary Electrical Installations

PS9 Temporary electrical wiring and distribution systems shall not be 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.

PS10 Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.

2.7 Indoor Sports Entertainments

PS11 A qualified medical practitioner will be present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.

PS12 Any ring shall be installed by a competent person and / or inspected by a competent authority.

PS13 No member of the public shall be allowed to occupy an area within 2.5 metres of the ring.

PS14 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 Alternations to the Premises

PS15 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.

2.9 Theatres, Cinemas, Concert Halls and Similar Places

Attendants

PS16 The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of Members of 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
751-1,000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

PS17 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.

PS18 Attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

PS19 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.

PS20 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.

PS21 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.

Seating

PS22 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.

Standing and Sitting in Gangways etc

PS23 Sitting on floors shall not be permitted except where authorised in the Premises Licence or Club Premises Certificate.

PS24 Waiting or standing shall not be permitted except in areas designated in the Premises Licence or Club Premises Certificate.

PS25 In no circumstances shall anyone be permitted to-

- sit in a gangway;
- stand or sit in front of an exit; or
- stand or sit on a staircase, including landings.

Drinks

PS26 No drinks shall be sold to, or be consumed by, a closely seated audience except in plastic and paper containers.

Balcony Fronts

PS27 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.

Special Effects

PS28 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.

PS29 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 Films Exhibitions

Attendants – Premises without a Staff Alerting System

PS30 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 present on the premises	Minimum number of attendants required to be on duty
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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 an auditorium or on any floor

Attendants – Premises with a Staff Alerting System

PS31 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
501-1,000	Three	Two
1,001-1,500	Four	Four
1,501 or more	Five plus one for every 500 (or part thereof) persons over 2,00 on the premises	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises

PS32 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.

PS33 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.

PS34 The staff alerting system shall be maintained in working order.

Minimum Lighting

PS35 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 Noise

- PN1 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.
- PN2 The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book.
- PN3 All external doors and windows shall be kept closed when regulated entertainment is being provided, except in the event of an emergency.
- PN4 The beer garden / outside area is not to be used/occupied after x hours daily.
- PN5 There will be no external loud speakers.
- PN6 The Premises Licence holder / Designated Premises Supervisor will adopt a "cooling down" period where music volume is reduced (insert minutes) before the closing time of the premises.
- PN7 At an appropriate time before closing time, announcements shall be made reminding customers to leave quietly.
- PN8 No refuse shall be disposed of or collected from the premises between the hours of (insert hours).

3.2 Litter

- PN9 Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
- PN10 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.

PN11 The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away daily and that promotional materials 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

- CH1 No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
- CH2 No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
- CH3 Under 18's events will not take place without prior consultation with the Police and Licensing Authority.

4.2 Proof of Age

(Please note that from 1 October 2010, an Age verification Policy is a mandatory condition attached to all premises licences)

- CH4 The premises will operate a "Challenge 25" proof of age policy which will require any person who appears to be under the age of 25 to produce identification to prove they are 18 or over.
- CH5 Only a passport, photo-card driving licence, Armed Forces ID cards or a proof of age card bearing the official "PASS" accreditation hologram should be accepted as proof of age.
- CH6 A notice(s) shall be displayed in and at the entrance to the premises where they can be clearly seen, indicating that there is a "Challenge 25" policy in place at the premises.
- CH7 All alcohol is to be displayed / stored behind the counter.
- CH8 The premises is to maintain a refusals book to record the details of incidents where a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the book make a record of these checks. The book must be made available to a Police Constable / Authorised Officers of the Licensing Authority on request.
- CH9 Any person who is authorised to sell alcohol at the premises will be provided with training on first appointment and on a regular basis

thereafter. Training will include information on how to prevent underage sales and any other relevant matters. A written record will be kept of all training provided and this record will be kept on the premises for inspection by any Responsible Authority.

4.3 Theatres

- CH10 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.
- CH11 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.
- CH12 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.
- CH13 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.
- CH14 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.
- CH15 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.
- CH16 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.
- CH17 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.