

## LICENSING ACT 2003

### POOL OF MODEL CONDITIONS

The conditions shall not be regarded as “standard conditions” which are to be automatically imposed on premises licences and certificates in all cases. The following are designed to provide a range of **possible** conditions which **may** need to be attached to premises licences or club premises certificates, depending upon differing situations.

All conditions attached to a premises licence and club premises certificate must be appropriate and proportionate to the application received.

The wording of the conditions may need to be modified to suit a particular premise and/or situation.

This is not an exhaustive or exclusive list of conditions.

Additional conditions may be drafted and attached to such licences and certificates to meet individual circumstances, both by the applicant in question, any responsible authority, or the Licensing Authority as deemed appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or a competent person nominated by the designated premises supervisor’.

Please note that with the introduction of the Live Music Act 2012, no conditions relating to live music can be added to new or variation premises licence or club premises certificate. Live music conditions can only be added on a review application that relate to issues with live music.

### Mandatory Conditions

#### Mandatory Conditions where Licence Authorises Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Mandatory Condition where Licence Authorises the Exhibition of Films

3. The admission of children to the exhibition of any film is to be restricted in accordance with these conditions and Section 20 of the Licensing Act 2003.
4. Where the film classification body is specified in the licence, unless subsection 5(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

6. In this section:

"children" means persons aged under 18; and  
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

#### Mandatory Condition: Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
8. But nothing in section 7 requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to-
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
9. For the purposes of this section-
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### Mandatory Condition for Licences with Consumption on and off the Premises

- 10. (a) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### Mandatory Conditions for Licences with Consumption on the Premises

- 11. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 12. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - games or other activities which require or encourage, or are designed to
    - (a) require or encourage, individuals to:
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
13. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  14. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
  15. The responsible person shall ensure that:
    - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
      - (i) beer or cider: ½ pint;
      - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
      - (iii) still wine in a glass: 125 ml; and
    - (b) customers are made aware of the availability of these measures.

## **Crime and Disorder**

### **Sale of Alcohol**

16. No sale of alcohol shall be made unless the designated premises supervisor or a personal licence holder is present on the premises.
17. The premises licence holder shall join the Retail Radio scheme or any similar scheme operating in the area and ensure that:
  - (a) The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period;
  - (b) The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
  - (c) Any police instructions/directions are complied with whenever given; and
  - (d) All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
18. The Designated Premise Supervisor shall hold the certificate in National Course of Designated Premise Supervisor.

### **Door Supervisors**

19. The premises licence holder shall employ a minimum of SIA licensed door supervisors for every [100] customers or part thereof to deal with any likely contingency from [*start time*].
20. A minimum of [x] SIA licensed door supervisor shall be on duty at the premises [*at all times whilst it is open to the public/after xx.xx/until the last admission time for the public*].
21. At least [x] SIA licensed door supervisors shall be on duty at the entrance of the premises at [*all times whilst it is open to the public/until the last admission time for the public*].
22. If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.
23. Where door supervisors are required the premises licence holder shall keep records showing the names of the supervisor, their SIA badge number and expiry date, and the date/time that they were employed.

#### Entry to premises

24. No public access to the premises shall occur through the [*specify doors*]. This condition shall not restrict the use of the doors in the event of an emergency.
25. There shall be no entry or re-entry, other than staff members, to the premises after xx.xx.
26. Patrons may be allowed re-entry where they have left the premises for a cigarette.

#### Bottle Bans

27. No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
28. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
29. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [*red*] on the plan forming part of the premises licence.

#### Plastic containers and toughened glass

30. The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.

### Restrictions on drinking areas

31. The premises licence holder shall ensure that no alcoholic drinks are consumed in the area marked (*in red*) on the plan (*numbered...../attached to the premises licence*).

### Crime prevention notices

32. The premises licence holder shall ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and warning against leaving property unattended.

### Signage

33. The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in, on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.
34. The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.

### Drugs

35. The designated premises supervisor shall complete a recognised 'drug awareness' training course [*within x weeks/ by x date*].
36. Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.

### CCTV

37. CCTV shall be installed to specifications and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for a minimum of 28 days. All recordings are to be held in a secure holding facility. If a tape system is used, tapes are to be replaced every 6 months with new ones. This is to be recorded in an incident book for the premises. All images held are to be available immediately on request by any of the Responsible Authorities.
38. A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or

Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.

39. An incident log shall be kept on the premises, and made available on request to the Police or Licensing Officer, which will record the following:
- (a) All crimes reported to the premises;
  - (b) All ejections of patrons;
  - (c) Any complaints received;
  - (d) Any incidents of disorder;
  - (e) All seizures of drugs or offensive weapons;
  - (f) Any faults in the CCTV system;
  - (g) Any refusal of the sale of alcohol;
  - (h) Any visit by a responsible authority or emergency service.

## **Public Safety**

### Disabled People

40. The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.

### First Aid

41. The premises licence holder shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

### Lighting

42. The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.

### Indoor Sports Entertainments

43. At least 28 days notice of any event involving boxing or wrestling entertainment events shall be provided to the Licensing Authority and Environmental Health.
44. The premises licence holder shall ensure that:
- (a) An appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;

- (b) Where a ring is involved it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant;
- (c) At any wrestling or other entertainment of a similar, nature members of the public do not occupy any seat within 2.5 metres of the ring;
- (d) At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

**or**

The premises licence holder shall ensure that any requirements made by the Licensing Authority and Environmental Health during the preparation for and the provision of boxing and wrestling entertainment are complied with.

#### Special Effects

45. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:

- dry ice machines and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- real flame
- fire arms
- motor vehicles
- strobe lighting
- lasers
- explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.

#### Drinks

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

#### Balcony Fronts

47. The premises licence holder shall make all reasonable endeavours to ensure clothing or other objects shall not be placed over balcony rails or upon balcony fronts. Signs shall be displayed informing customers that clothing or other objects shall not be placed over balcony rails.

### Ceilings

48. All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person at least once in every five years and a certificate concerning the conditions of the ceilings shall be forwarded to the Licensing Authority.

### Pre-Inspection for new premises

49. The Health and Safety Department shall be notified 28 days prior to trading in order to make a visit to the premises so that an assessment of the adequacy of the control measures in relation to public safety can be made.

### **Prevention of Public Nuisance**

Where appropriate, the following conditions will relate to a single source e.g. a village pub rather than multiple sources e.g. the whole of the High Street in a town.

### Noise

50. The internal LAeq 15 min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from regulated entertainment at the licensed premises.
51. The premises licence holder shall ensure that the settings of the noise limiting device will not be altered unless approval is first confirmed in writing by the Local Authority's Authorised Officer.
52. Noise generated by amplified music, during the provision of regulated entertainment, shall be controlled by a noise limiting device set at a level determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.

**or**

A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.

53. All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when [*regulated entertainment is/events involving amplified music or speech are*] taking place. Acoustically-treated ventilation or air conditioning may be required in warm weather.

**and**

The premises licence holder shall undertake a risk assessment before regulated entertainment is provided during warm weather to ascertain if acoustically-treated ventilation or air conditioning is required. If it is so required, the premises licence holder shall take steps to ensure that it is provided.

54. The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.
55. Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting customers to respect the needs of local residents and leave the premises and the area quietly.
56. The premises licence holder shall monitor the activity of persons leaving the premises [*after xx:xx/are closed to the public*] and remind them of their public responsibilities where necessary.

#### Lighting

57. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
58. Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
59. Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.

#### Noxious smells

60. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.

#### Litter and waste

61. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 11pm and 8am.

#### Conditions Relating to Potentially Large or Multiple Sites

62. Noise propagation tests shall be undertaken and completed to the satisfaction of the Local Authority's Authorised Officer for all outdoor events where amplified music is employed. The sound systems shall be configured and operated in a similar manner as intended for the event. The sound sources used for the test shall be similar in character to the music likely to be produced

during the event. Appropriate control limits at the sound mixer position and adjustments to sound amplification equipment as a result of the testing shall be agreed to the satisfaction of the Local Authority's Authorised Officer.

63. The premises licence holder shall not permit noise emanating from the licensed site to unreasonably disturb the persons in the neighbourhood and in any event, shall undertake an agreed noise monitoring scheme to ensure that the music noise levels shall not exceed the higher of 55dBLAeq, 15 min free-field or an Leq 15 min free-field equal to the background (LA90) plus 15dB(A) should not be exceeded at agreed residential properties. These levels may however be amended in the situation of significant climatic effects, in agreement with the Local Authority's Authorised Officer.
64. The premises licence holder shall undertake an agreed noise monitoring scheme to ensure that between 11 p.m. and 7 a.m. noise from the event site, which [includes the car parks and campsites] shall not exceed an 8 hour LAeq of 45 dB at 1 metre from the façade of noise sensitive residential properties. The premises licence holder shall comply with any noise control requirements made during the event by the Local Authority's Authorised Officer.

#### Additional Site Specific Conditions

65. No member of the public shall be allowed to come within three metres of an operational loudspeaker providing regulated entertainment.
66. The [*doors / windows*] at [*specify*] shall be fitted with [*double /secondary*] glazing in order to improve the sound attenuation of the premises.
67. A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
68. [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the Local Authority's Authorised Officer.
69. An alarm shall be fitted to [*all external windows / fire doors*] which alerts staff when [*they are / it is*] opened without authorisation.
70. The specification, location and orientation of all permanently fixed speakers shall be agreed with the Licensing Authority's Authorised Officer.
71. The [*garden/patio*] must not be used by customers, except to have a cigarette, between the hours of xx.xx and yy.yy.

**or**

The [*garden/patio*] must not be used by no more than [x] customers between the hours of xx.xx and yy.yy.

72. The premises licence holder shall instruct staff to not cause unnecessary noise to nearby residents when leaving the premises.
73. The premises licence holder shall nominate a representative to receive and respond to complaints throughout the duration of any regulated entertainment. If necessary, a telephone number shall be provided for nearby residents to contact in respect of complaints about noise.
74. Regulated entertainment shall only commence on the basis that the work to [*specify area*] is completed and a sound insulation test is carried out by an appropriately qualified consultant and confirmation of the satisfactory results agreed in writing by the Licensing Authority's Authorised Officer.
75. Regulated entertainment consisting of live bands shall be limited to x occasions in any [*week/month/year*] and shall be provided by no more than x performers.
76. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
77. A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.
78. The shop front and pavement areas shall be cleaned at the close of business each day.
79. Persons permitted to leave temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
80. The premises 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 to the public highway.

### **Protection of Children from Harm**

81. No child under the age of xx, unaccompanied by an adult, shall be allowed in a premise after xx.xx to which the public have access after that time.
82. The premises licence holder must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be exhibited on screen. for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

83. In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.
84. A Challenge [21/25/*or any other suitable age*] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25/*or any other suitable age*] years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence. No other form of identification shall be accepted unless agreed with the Licensing Authority or Leicestershire Constabulary.
85. Challenge [21/25/*or any other suitable age*] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.
86. Training will be provided for all staff before they are allowed to sell alcohol and will include Challenge [21/25/*or any other suitable age*], proof of age, management conflict and refusals records. The training will be documented. The Premises Licence Holder or Designated Premises Supervisor will check that the training has been understood. The training will be repeated at least every 6 months. Records of training will be provided to Responsible Authorities and the Licensing Authority on request.
87. The Premises Licence Holder shall operate and maintain an up-to-date record of refused sales of alcohol, indicating the date, time, reason for refusal and person refusing. The record shall be reviewed at least once a month by the Designated Premises Supervisor or premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the review. This information shall be made available upon request to the Licensing Authority and any other Responsible Authorities.

**or**

If a premises has an Electronic Point of Sale system with a programme which will determine age-restricted products then upon scanning an age-restricted product, the sales assistant shall evidence the individual's age by means of asking for identification. The system shall record all challenges made, which will be checked and monitored by the Designated Premise Supervisor monthly. The record shall be reviewed at least once a month by the Designated Premises Supervisor or premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the

review. This information will be made available upon request to the Licensing Authority and any other Responsible Authority.

88. Signs shall be displayed inside and outside of the premises warning adults that it is an offence to buy alcohol on behalf of anyone under the age of 18.
89. No alcohol shall be sold unless the container bears a label identifying the store from which it was sold.