



SEDGEFIELD BOROUGH COUNCIL

LICENSING ACT 2003

DRAFT STATEMENT OF LICENSING POLICY

DRAFT

For the period 07/01/2008 to 06/01/2011

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SEDFIELD BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

1. Introduction

- 1.1 Sedgefield Borough has a population of around 88,000 people and is one of 7 local authorities in County Durham. The Borough is a mixture of urban and rural areas and stretches across 52,000 acres. It includes historic villages, small towns and a new town. The east of the Borough is generally rural in character, giving way further north to the villages on the old Durham coalfield. The west is more densely populated with the major towns of Shildon, Spennymoor, Newton Aycliffe and Ferryhill concentrated within a few miles of each other.
- 1.2 There are approximately 87 public houses and 75 shops currently licensed to sell alcohol in the Borough. A further 41 clubs hold club premises certificates which allow them to supply alcohol while 45 premises are also licensed to sell hot food and drink between 11pm and 5am. A total of 58 other premises including church halls, community centres etc also hold licences allowing them where specified to sell alcohol and provide regulated entertainment.

2 The Licensing Act 2003

- 2.1 The Licensing Act 2003 came into force in November 2005 when Local Authorities took over responsibility for licensing premises and individuals for licensable activities from the Magistrates Court. The Act replaced and consolidated earlier legislative controls on key areas of liquor and public entertainment licensing. The aim of the Act is to modernise social consumption of alcohol and provide a simpler, more transparent and accountable statutory framework for the licensing and control of sales of beers, wines, spirits and associated entertainment.
- 2.2 Sedgefield Borough Council is the Licensing Authority under the Licensing Act 2003 (the 2003 Act) and is responsible for granting premises licences, club premises certificates, temporary events notices, personal licences and provisional statements throughout the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 2.3 The Licensing Authority regulates licensable activities on licensed premises, in qualifying clubs and at temporary events within the terms of the 2003 Act and in this respect the licensing authority will primarily

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focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 2.4 Section 5 of the 2003 Act requires the Licensing Authority to prepare and publish a Statement of its Licensing Policy.
- 2.5 This is the Councils' second statement of licensing policy. It has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued by the Secretary of State for the Department of Culture, Media and Sport (DCMS) under Section 182 of the Act which came into force on the 28th June 2007.
- 2.6 The Statement of Licensing Policy will have effect until the 6th January 2011.
- 2.7 The licensing policy has 4 main purposes, these are:
- To reinforce to elected Members on the Licensing Committee and any sub-committee the boundaries and power of the local authority, and to provide them with parameters under which to make their decisions. The committee should be able to test the application against criteria set out in the policy and if necessary add conditions to those set out in the operating schedule.
 - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area. (Note however that each case must be examined on an individual basis).
 - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
 - To support decisions made by the Licensing Authority when these decisions are challenged in a Court of Law.
- 2.8 The Community Strategy which sets a vision for Sedgefield Borough upto 2014 involves a range of public, private and community sector agencies on which its delivery depends. It sets the context within which the Council operates and a key function of the Sedgefield Borough's Corporate plan is to illustrate how the Authority contributes to the wider agenda, whilst meeting its own specific goals of working towards a more healthy, prosperous and attractive borough, with strong communities. Adoption of the Statement of Licensing Policy should add significantly to the Council's key ambitions in terms of national, regional and local priorities.
- 2.9 The statement of licensing policy also compliments Sedgefield Local Strategic Partnership Alcohol Harm Reduction Strategy which aims to tackle the harms and cost of alcohol misuse throughout the Borough.

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- 2.10 The policy sets out the manner in which applications for licences, required by the 2003 Act will be considered by the Licensing Authority. Every application and decision will be considered on its own merits and will take into account all relevant factors. The Policy does not seek to undermine the rights of any person to apply under the Act for a variety of permissions, or have their application considered on its individual merits, nor does it override the rights of any person making representations on any application or seeking a review of a licence where they are permitted to do so under the Act.
- 2.11 When considering applications, the Licensing Authority will have regard to this Policy, Licensing Act 2003, Guidance issued under Section 182 of the Act, the licensing objectives and all supporting legislation. The Licensing Authority will only depart from the policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.
- 2.12 Sedgefield Borough Council in adopting this licensing policy, recognises both the need of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to both the local economy and vibrancy of the Borough. It is the Licensing Authority's wish to facilitate well managed premises with licence holders displaying sensitivity to the impact of premises on local residents
- 2.13 In determining this policy the following have been consulted:
- Chief Constable of Durham Constabulary
 - Chief Fire Officer County Durham and Darlington Fire and Rescue Service.
 - All persons/bodies throughout the Borough holding premises licences or club premises certificates including pubs, clubs, off licences, supermarkets, take aways, restaurants and mobile food vendors.
 - Persons/bodies representative of local holders of personal licences
 - Persons/bodies representative of businesses and residents in the Borough
 - Durham County Council Safeguarding Children Board
 - All Elected Members of Sedgefield Borough Council
 - Clerks of Town and Parish Councils in Sedgefield Borough.
 - Crime and Disorder Reduction Partnership
 - Durham CIU.
 - British Institute of Innkeeping
 - The British Beer and Pub Association
 - The Federation of Licensed Victuallers
 - The Association of Licensed Multiple Retailers
 - Equity
 - County Durham Primary Care Trust
 - North East Musicians Union

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- Various solicitors
- 2.14 The Licensing Authority will review its Policy every 3 years and as a result of that review, it will undertake consultation with appropriate residents, businesses and licence holders. In addition, it will keep its policy under review between the main 3 yearly periods and it will make revisions as appropriate to support the licensing objectives.
- 2.15 Nothing in this policy will prevent the Local Authority from making application in its own name for the grant of licences. The Council will before any such licence is granted be subject to the same considerations and application of the same scrutiny as any other applicant.
- 2.16 All references to licences in this policy include licences, certificates, or other permissions under the Act.
- 2.17 The policy does not seek to regulate matters which are provided for in other legislation e.g. planning, health and safety, employment rights, fire safety etc.
- 2.15 All relevant representations either in opposition to, or in support of, an application will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious.
- 2.18 Although the licensing authority is required to have regard to the DCMS Guidance it may, if it considers it appropriate, deviate from the guidance where there are good reasons which can be justified.
- 2.19 Scope of the Policy

The Licensing activities specified in the Licensing Act 2003, which are covered by this policy, include:

- The retail sale of alcohol.
- Supply of hot food or drink from premises between 11pm and 5am
- Supply of alcohol or provision of regulated entertainment to club members
- Provision of entertainment listed below (known as regulated entertainment) to the public, to club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - A boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
 - Provision of facilities for making music

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- Provision of dancing facilities

The Policy covers a wide variety of premises and associated activities including:

- public houses
- nightclubs
- private members clubs
- off licences
- shops selling alcohol
- late night food premises and vehicles selling hot food or drink between 11pm and 5am.
- village halls
- community centres

The Act requires:

- The licensing of individuals for the retail sale of alcohol (a personal licence)
- The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (a premises licence);
- The supply of alcohol or the provision of regulated entertainment at certain clubs (a club premises certificate)
- The permitting of certain licensable activities on a temporary basis (a temporary event notice)

3.0 The Licensing Objectives

3.1 The 2003 Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:

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

3.2 Each objective is of equal importance and the Licensing Authority will as a matter of policy only take these objectives into account when determining applications and will where necessary consider attaching conditions to licences to promote the licensing objectives.

3.3 It is important to note that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The conditions attached to various authorisations will focus on matters which are within the control of the individuals holding those licences or relevant authorisations.

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- 3.4 The licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means of solving all problems within the community. The Licensing Authority will work in partnership with neighbouring authorities, the police, local businesses and local people towards the promotion of the above objectives. The Licensing Authority will therefore ensure that it integrates with all relevant Council's strategies and policies including the Sedgefield Local Strategic Partnership Alcohol Harm Reduction Strategy.
- 3.5 The Licensing Authority will aim to keep the public informed of any future developments in licensing law and issues that are relevant to them.
- 3.6 The Licensing Authority recognises that there are a number of other mechanisms for addressing anti-social behaviour and nuisance once customers are away from the vicinity of licensed premises. These include:
- Planning controls
 - Positive measures to create a safe clean town environment in partnership with local businesses, transport operators and other departments of the Local Authority
 - The provision of CCTV surveillance in town centres, ample taxi ranks, the provision of public conveniences open late at night, street cleaning and litter patrols
 - Powers of the Local Authority to designate parts of its area as places where alcohol may not be consumed in public
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
 - The prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - The confiscation of alcohol from children and adults in designated areas
 - Police and / or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
 - The power of the Police, other Responsible Authorities or a local resident or business to seek a review of a licence or certificate in question.
- 3.7 Nonetheless licensing law is a key aspect of control and will be part of a holistic approach to the management of the evening and night time economy.
- 3.8 Applicants will have to ensure that in respect of each of the four licensing objectives, suitable and sufficient measures, as detailed in

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their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events.

- 3.9 The following sections set out how the policy relates specifically to each of the four licensing objectives.

4.0 The Prevention of Crime and Disorder

- 4.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems. The Licensing Authority recommends the membership and active participation in established "Pubwatch schemes" as one means of discussing and addressing issues relating to crime and disorder.
- 4.2 As a matter of policy the Council will require every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities on crime and disorder and anti-social behaviour by their patrons within the vicinity of their premises including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority will therefore require applicants to demonstrate in their Operating Schedules suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business that have been identified and will be implemented and maintained with the intention of preventing crime and disorder in and around the vicinity of their premises.
- 4.3 The Licensing Authority when considering applications will take into account as appropriate, matters outlined in any relevant local planning, transport, tourism, cultural and crime prevention or similar strategies and policies. Conditions may be attached to licences that will reflect matters outlined in these strategies. Applicants are recommended to take these matters into account when preparing their applications. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises are for example matters that could be addressed in a crime prevention strategy.
- 4.4 Applicants must in particular, consider the impact on crime and disorder of underage drinking, drunkenness on premises, public drunkenness, drugs, violent behaviour and anti social behaviour. The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be among the most important control measures for the achievement of all licensing objectives. These issues should be addressed within an applicants operating schedule. The licensing authority will take a positive view of anyone who invests in training and in particular nationally accredited qualifications tailored to the licensing sector.

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- 4.5 The operating schedule for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence.
- 4.6 The DPS does not have to be present on the premises at all times when alcohol is being sold however the DPS and Premises Licence Holder remain responsible for the premises at all times.
- 4.7 It is important that there is an accountable, responsible person present when alcohol is being sold. This is to ensure for example that alcohol is not sold to persons who have had too much to drink or those under the age of 18 years. In terms of crime and disorder there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.
- 4.8 Where a relevant representation regarding maximum capacity of a premises or event has been received the Licensing Authority may set a maximum number of people that can attend a premises or an event. Any maximum will only be imposed where there is a clear and justifiable need in respect of that particular premises or event based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Premises where a fire certificate has been issued which imposes an occupancy level will not have an occupancy level imposed under the Premises Licence, unless the Fire Authority recommends a change.
- 4.9 Applicants will be expected to detail the arrangements that will be put in place to ensure that the permitted number of people attending the premises or event will not be exceeded. e.g. provision of door staff.
- 4.10 All persons employed at licensed premises to carry out any security activity must be licensed by the Security Industry Authority unless they benefit from an exemption under section 4 of the Private Security Industry Act 2001.
- 4.11 The Licensing Authority will normally require appropriately licensed door supervisors to be employed at premises selling alcohol by retail for consumption on the premises where the operating hours extend beyond midnight. The numbers of licensed door supervisors required will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment.
- 4.12 In addition to the requirement of the Licensing Authority to promote the licensing objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent

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crime and disorder in the Borough and to consider crime and disorder in its decision making process. This duty will be taken into account when considering all applications.

Cumulative impact of licences on the amenity of particular areas.

- 4.13 Where there is a significant number of licensed premises selling alcohol for consumption on premises concentrated in one area, the cumulative effect of those premises on the promotion of the licensing objectives is something the Licensing Authority may take into account.
- 4.14 The Licensing Authority will not however take 'economic need' into account when considering an application, as this is a matter for planning control and the market forces. The Licensing Authority recognises that the cumulative effect of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder outside and some distance from the premises. The Licensing Authority wishes to ensure that these problems are minimised.
- 4.15 Representations may be received from a Responsible Authority e.g. the Police or an Interested Party e.g. a person living/working in the vicinity of the premises, that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In these circumstances the onus will be on the objector to provide evidence that additional licences or the variation of licences will produce the cumulative effect claimed.
- 4.16 When considering such representations the Licensing Authority will have regard to such matters as the character of the surrounding area and the nature and character of the proposed operation.
- 4.17 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally in respect of the particular application in front of them. However, the onus to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative effect claimed, taking into account that the effect will be different for premises with different styles and characteristics, will be on those making representations.
- 4.18 The Licensing Authority is not currently aware of any part of the Borough where a concentration of licensed premises is likely to cause a cumulative impact on one or more of the licensing objectives. The Licensing Authority will not therefore be initiating any special policy relating to the cumulative impact of premises in a particular area.

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- 4.19 Such a policy will only be considered following relevant representations from the police or other responsible authority or from interested parties within the vicinity of the premises concerned.
- 4.20 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 4.21 Where relevant representations are made by Responsible Authorities or Interested Persons following an application the Licensing Authority will consider attaching Conditions to licences, certificates and permissions to promote the crime and disorder objective, and these may be drawn from the Pool of Conditions (See Appendices 1-5)

5. Public Safety

- 5.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, as well as cafes/restaurants, fast food outlets/takeaways selling hot food or drink after 11pm.
- 5.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks and that these matters are reflected in licence applications.
- 5.3 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on public safety have been considered. These may include:
- The occupancy capacity of the premises;
 - The age, condition, design and internal layout of the premises,
 - Adequate access and egress and the means of escape in fire;
 - The nature of the activities to be provided, in particular the sale or supply of alcohol and including whether those activities are of a temporary or permanent nature;
 - The hours of operation and hours of opening if different
 - Customer profile (e.g. age, disability etc.). The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. Applicants are reminded that since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability and that since October 1999 reasonable adjustments should be made for disabled people, such as providing

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extra help or making changes to the way they provide their services. From October 2004 reasonable adjustments should be made to the physical features of premises which are open to the public, such as Licensed Premises, to overcome physical barriers to access.

- The use of special effects such as lasers, pyrotechnics, smoke machines, etc.

5.4 The Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation in October 2006. Conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect without the need to vary the licence. The Licensing Authority will not seek to impose fire safety conditions where the order applies except in cases where the licensing authority and the enforcing authority for the fire safety order are one and the same body. The Licensing Authority will expect that Operating Schedules will satisfactorily address the relevant fire and health and safety legislation issues and applicants are therefore advised to seek advice from Council Officers and the Durham and Darlington Fire and Rescue Service before submitting their applications.

5.5 Where relevant representations are made by Responsible Authorities or Interested Persons following an application the Licensing Authority will consider attaching Conditions to licences, certificates and permissions to promote public safety, and these may be drawn from the Pool of Conditions (See Appendices 2 and 3)

6. Prevention of Public Nuisance

6.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

6.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. Due regard will be taken on the impact these may have and for a licence to be granted the Licensing Authority will expect Operating Schedules to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance relevant to the individual style and characteristics of their premises and events.

6.3 Applicants are advised to seek advice from Council Officers before preparing and submitting their applications.

6.4 Where relevant representations are made by Responsible Authorities or Interested Persons following an application the Licensing Authority will consider attaching Conditions to licences, certificates and

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permissions to prevent public nuisance and these may include conditions drawn from the Model Pool of Conditions (see appendix 4)

- 6.5 The extent to which the above matters will need to be addressed will be dependant on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.
- 6.6 The Licensing Authority will require more comprehensive measures to be in place at late night entertainment venues and premises which have a history of previous nuisance complaints proved against the premises and in particular where statutory notices have been served on the present licensees.
- 6.7 The Licensing Authority does not support drinks' promotions that encourage the irresponsible consumption of alcohol, such as binge drinking. If promotions are held they should be in accordance with industry best practice guides e.g. The Point of Sale Promotions published by the British Beer and Pub Association.

7. Protection of Children from Harm.

- 7.1 The 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:-
- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises or
 - between the hours of midnight and 5.00 a.m. on restaurant premises or other premises that supply alcohol for consumption on the premises
- 7.2 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 7.3 While the 2003 Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.
- 7.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that may raise concerns;
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - with a known association with drug taking or dealing

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- where there is a strong element of gambling on the premises but not for example the simple presence of a small number of cash prize gaming machines
- where entertainment of an adult or sexual nature is commonly provided
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.5 The Licensing Authority will consider the following when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present
- Limitations on ages below 18
- Limitations or exclusion when certain activities are taking place
- Requirements for an accompanying adult to be present
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature)
- Limitations on the parts of premises to which children will be given access

The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police and Durham County Trading Standards Service to ensure the appropriate enforcement of the law, especially relating to the sale, supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited conditions allowed by the law and then only after verifying a persons proof of age. Proof of age can be verified by a passport, photocard driving licence, student card, an official identity card issued by HM Forces or by a European Union country or a proof of age scheme such as Challenge 21. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

7.6 In addition recorded staff training programmes, the use of a refusals register, in store signage and sensible siting of drinks can all reduce the likelihood of illegal sales. The Licensing Authority supports the acceptance of all proof of age schemes which carry the PASS (Proof of Age Standards Scheme) hologram logo.

7.7 No conditions will be imposed requiring that children be admitted to any premises and no conditions will be imposed to remove a licence holders discretion to refuse to admit children.

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- 7.8 The Licensing Authority commends the use of the Portman Group code of practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

Access to Cinemas

- 7.9 In the case of premises which are used for film exhibitions, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

- 7.10 The 2003 Act provides that it is mandatory for licensing authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

- 7.11 Sedgefield Borough Council does not intend at this moment in time to adopt its own system of film classification in its capacity as a Licensing Authority.

Children and Public Entertainment

- 7.12 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.

- 7.13 Where entertainment requiring a licence is specifically presented for children, the Licensing Authority will require the presence of at least one member of staff for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

- 7.14 For a licence to be granted, the Licensing Authority will require the submitted Operating Schedules to satisfactorily address these issues.

- 7.15 Where relevant representations are made by Responsible Authorities or Interested Parties following an application the Licensing Authority will consider attaching Conditions to licences, certificates and permissions to prevent harm to children, and these may include Conditions drawn from the Pool of Conditions relating to the Protection of Children from Harm (see Appendix 5).

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- 7.16 The Licensing Authority considers that the Responsible Authority to which applications will need to be copied who are best able to deal with matters relating to the protection of children from harm is the Durham County Council Safeguarding Children Board.

8. Licensing Hours

- 8.1 The Licensing Authority recognises that longer licensing hours for the sale of alcohol could avoid large numbers of people leaving premises at the same time, which in turn could reduce the potential for disturbance at late night fast food outlets, taxi ranks, minicab offices and other sources of transport. The aim of the Licensing Authority is through the promotion of the licensing objectives to reduce the potential for concentrations of people and to achieve a slower dispersal of people from licensed premises through flexible opening hours.
- 8.2 The Licensing Authority considers that licensing hours should not inhibit the development of safe and thriving evening and night-time local economies which are important for investment and employment locally and attractive to tourists and visitors alike. The Licensing Authority considers that providing consumers and the licensed trade with greater choice and flexibility is an important consideration.
- 8.3 Fixed pre determined closing times within designated areas otherwise known as zoning will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the potential for concentrations of disturbance and noise. This would treat residents in one area less favourably than those in another as well as causing the peaks of disorder and disturbance the 2003 Act is trying to avoid.
- 8.4 Restrictions on trading hours will only be considered where necessary to meet the licensing objectives.
- 8.5 The Licensing Authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given in appropriate circumstances to imposing stricter conditions or limitations in respect of noise control where premises are situated in mainly residential areas.
- 8.6 In all cases the granting of a licence will be dependant on the impact of the premises or activity particularly on local residents. Applicants will need to take into consideration the level of impact which could arise from noise, vibration, litter, parking, availability of public transport and taxis, crowds etc.
- 8.7 Applicants must carefully consider the hours of opening which they consider appropriate for the future operation of their business, and in particular their requirements to accommodate special events and

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celebrations. Applicants are not encouraged to apply for hours of operation beyond their current opening hours if they have no intention of operating for the extended period. This will reduce the burden placed on the licensing administration and will assist in the efficient operation of the licensing system. Where an applicant wishes to apply to extend their current opening hours beyond midnight, the Council will expect their Operating Schedule to detail measures to be taken to ensure the licensing objectives are addressed and that there will be no significant disturbance to members of the public, living, working or otherwise engaged in normal activity within the vicinity of the premises concerned.

- 8.8 The Licensing Authority will generally consider licensing retail premises to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider there are very good reasons for restricting those hours, for example, where police representations made in respect of individual shops which are known to be the focus of disorder and disturbance.
- 8.9 Applicants for premises licences will also be expected to reflect any operating hours that are stipulated as part of a planning consent.

9 Human Rights and Promotion of Racial Equality

- 9.1 The Human Rights Act 1998 makes it unlawful for a Local authority to act in a way which is incompatible with a right under the European Convention on Human Rights. In carrying out its licensing functions the Council will therefore have particular regard to:
- Article 6 – Right to a fair hearing. In the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - Article 8 - Right to respect for private and family life.
 - Article 1 of the first protocol – Protection of Property. Every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).
- 9.2 The Licensing Authority opposes all forms of unlawful and unfair discrimination in all areas of its activities and recognises that it should take the lead on race equality in order to achieve a society that respects people regardless of their race, colour or creed. In this respect Sedgefield Borough Council has implemented a 'Race Equality Scheme' throughout the Borough.

10 Safer Clubbing – Guidance for licensing authorities, club managers and promoters

- 10.1 For premises which may have problems with drugs, crime and disorder and/or are open late the Licensing Authority will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807).

11 Integrating Strategies and Avoiding Duplication

- 11.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 11.2 Many of their strategies deal in part with the licensing function and the Licensing Authority will participate in multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies and also to obtain information on the effects of this policy on local regulated entertainment.
- 11.3 The Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes. Whilst having regard to the planning regime the Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. Prior to submitting an application to the Licensing Authority applicants should ensure that there is an appropriate current planning permission for the hours and activities for which the application is being made. Building regulation approval, completion certificates and where necessary electrical certificates should also be acquired prior to the use of premises for licensable activities. The granting of a licence under the Act does not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 11.4 The Licensing Authority will require an applicant to have obtained planning permission where necessary for the proposed use of any premises before applying for a Provisional Statement under Section 29 of the Act.
- 11.5 The Licensing Authority will endeavour to minimise the burden of legislation on small businesses. Some regulations do not cover the unique circumstances of some entertainment and the Licensing Authority will consider attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

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12 Live Music, Dancing and Theatre

- 12.1 The Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 12.2 The Licensing Authority will not therefore discourage the promotion of such events but will, when considering applications for such events and the imposition of conditions on licences or certificates carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 12.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 12.4 In places for which the Council holds a premises licence e.g. parks and public open spaces, entertainers may be able to give a performance, without the need to serve temporary event notices or to apply for individual premises licences. This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year such as circuses and street artists. However, entertainers will need to obtain permission of the Council (as premises licence holder) and comply with any conditions that might be imposed. This approach may reduce the administrative burden on the Licensing Authority and ensure that licensable activities are encouraged in locations that the Licensing Authority considers appropriate and where the promotion of the licensing objectives have been previously considered and any potential noise nuisance can be properly managed.
- 12.5 Temporary Event Notices enable licensable activities to take place outside the scope of a Premises Licence. These notices can be given for small scale events attracting no more than 499 people at a time and lasting for no more than 96 hours. There are annual restrictions on how many notices one person may give and on the number of times the same premises can be used. Applicants must however provide advance notice to the Police and the Licensing Authority and although the law states that a minimum of 10 days notice must be given, organisers of temporary events are strongly advised to give the Licensing Authority and the Police at least 28 days notice of any such event to enable any issues to be dealt with in a timely manner.
- 12.6 The Licensing Authority encourages premises such as community centres and village halls to apply for Premises Licences to cover all expected activities as the managers of these venues may find the permitted annual number of temporary event notices too restrictive.

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- 12.7 The Licensing Authority will monitor the impact on regulated entertainment, and particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements the policy will be revisited with a view to investigating how the situation might be reversed.
- 12.8 The incidental performance of live music and incidental playing of recorded music may not be regarded as regulated entertainment under the Act. The following factors will be taken into consideration when considering whether the performance or playing of incidental music requires to be licensed:
- whether the music is the main reason for people attending the premises
 - whether music is advertised as the main attraction
 - whether the volume of the music disrupts or predominates over other activities.

In respect of Private events to which the public are not admitted entertainment will be considered by the Licensing Authority to be regulated only if it is provided for consideration and with a view to profit.

13 Gambling in licensed premises.

- 13.1 Gambling is the subject of separate legislation. The Gambling Act 2005 comes into force in September 2007. The Licensing Authority is responsible for the licensing of premises under this Act. Further information can be found in the Council's Statement of Licensing Principles and on the Department of Culture and Media Services website at www.culture.gov.uk

14 Administration, Exercise and Delegation of Functions

- 14.1 It is important that the Licensing Authority is not seen to be soliciting representations relating to applications and reviews. However it is important to note that the Licensing Authority includes all ward councillors who are entitled to information required to inform that role. Basic information relating specifically to applications and reviews will therefore be provided for all members by means of electronic weekly updates. The Parish and Town Council Charter established in 2004 sets out how the Borough Council and Town and Parish Councils will work together for the benefit of local people. Therefore in order to fulfill the objectives of the Charter the Licensing Authority will also provide Town Council and Parish Council Clerks with basic information relating to licence applications on a weekly basis.
- 14.2 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee of 15 members to administer them.

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- 14.3 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 14.4 With many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. In all such cases the officer must grant the licence in accordance with the application subject only to such conditions as are consistent with the operating schedule accompanying the application, and any mandatory conditions required by the Act. All such matters dealt with by Officers will be reported for information and comment only, to the full licensing committee.
- 14.5 Where there are relevant representations, applications will be dealt with by the Licensing Committee of the Council, or by a sub-committee as will any application for review of a licence.
- 14.6 The Table of Delegated Functions (see Appendix 6) sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.
- 14.7 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 14.8 Where representations are made a licensing officer will liaise with the applicant, interested parties and the responsible authorities to see if an agreement can be reached without the need for the matter to go before the Licensing Committee or Licensing Sub Committee. Only where representations are raised which cannot be resolved will matters be referred to either the Sub Committee or the Full Committee for determination.

Committee/Sub Committee Procedural Requirements.

- 14.9 When it is considered necessary to put an application before the Licensing Committee / Sub Committee, applicants, interested parties and responsible authorities will be asked beforehand to estimate the likely timescale of their presentation or representations. This is to ensure that sufficient time can be allocated to hear the application. Wherever possible interested parties will be encouraged to attend the meetings and present their evidence in person.
- 14.10 A member of a sub committee considering licence applications will

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only participate in the hearing if they do not have a personal or prejudicial interest under the Local Authority's Code of Conduct for Elected Members. This is subject to a Members right to remain following the declaration of a prejudicial interest when members of the public are allowed to make representations, give evidence or answer questions. However such a Member must not vote on the matter and must leave when he/she has finished speaking(Paragraph 12(2) of the Code of Conduct refers).

- 14.11 Licensing Committee hearings are quasi judicial in nature. However the Licensing Authority will try to keep the proceedings as informal as possible. Some degree of formality will however be necessary to ensure that all parties represented are able to present their views openly and fairly and that they receive a fair hearing.
- 14.12 The Committee and sub committees will determine each case before it on its merits and in determining the application the Licensing Committee or sub committee will consider:
- The case and evidence presented by all parties
 - The promotion of the four licensing objectives.
 - The Licensing Act 2003 and associated regulations.
 - Guidance issued by central Government
 - The Statement of Licensing Policy
- 14.13 Hearings will be conducted in accordance with the Council's Procedure for Licensing Hearings and will commence with the Chairperson of the Licensing Committee introducing himself/herself and the other Members present.
- 14.14 The Chairperson will then ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses. The reason for the hearing will then be outlined.
- 14.15 Council officer will present the previously circulated report after which the applicant and any representors may ask questions. Sub committee members may then seek clarification on any points raised.
- 14.16 The applicant will be asked to present his/her case and to call any witnesses to present evidence.
- 14.17 Responsible Authorities, Interested Parties, Members of the Licensing Committee and Council Officers, in that order, will then be given the opportunity to ask questions at the end of any presentation. Any witnesses giving evidence on behalf of the applicant may also be questioned after giving their evidence.
- 14.18 The Chairperson will then give the responsible authorities and Interested parties the opportunity to present their representations. Once completed the applicant, members of the licensing committee

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and officers will be able to ask questions. When all the evidence has been given the responsible authorities and interested parties will be given the opportunity to sum up their representations in the same order as they presented their cases. The applicant will then be given the opportunity to sum up his/her case.

- 14.19 Decisions relating to contested licensing applications will always be made by the Committee or sub committees in private. The committee members will be accompanied by the Council's Legal Advisor who will provide advice on legal and procedural points, but will not comment on the merits of the application. A public announcement of the decision will be made at the end of the hearing together with clear, convincing reasons for the decision. The decision will then be confirmed in writing after the hearing.
- 14.20 Applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates Court against decisions of the Licensing Authority in accordance with the 2003 Act.
- 14.21 Where the Committee and sub committees determine that it is appropriate to attach conditions to a licence / certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

15. Enforcement

- 15.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. Although annual inspections of premises will not be undertaken as a matter of course the Licensing Authority will make arrangements to monitor premises.
- 15.2 In January 2006 the Licensing Authority signed a Memorandum of Understanding and Joint Enforcement Protocol together with Durham Constabulary, County Durham and Darlington Fire and Rescue , Darlington Borough Council, Durham County Council and the six District Councils situated in County Durham. The parties recognise the importance of effective co-operation and liaison including the sharing of intelligence to ensure compliance with the law. The protocol enables joint visits to be carried out to premises as a result of complaints received or as part of an inspection programme where the emphasis will be on targeting high risk, poorly run premises as opposed to lower risk well – run premises.

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Guidance accompanying the Licensing Act states that the Act does not require inspections to take place save at the discretion of those charged with the role. The Guidance also states that inspections should not be conducted routinely but when and if they are justified with resources being directed towards problem premises. This is totally in accord with the recommendations of the Hampton Review (March 2005) which recommended that:

- comprehensive risk assessment should be the foundation of all regulators' enforcement programmes;
- there should be no inspections without a reason, and data requirements for less risky businesses should be lower than for riskier businesses;
- resources released from unnecessary inspections should be redirected towards advice to improve compliance;
- there should be fewer, simpler forms;
- data requirements, including the design of forms, should be coordinated across regulators;

15.3 The Act sets out a number of offences, proceedings for which may be instigated by the following;

- The Licensing Authority
- The Director of Public Prosecutions
- In the case of an offence under section 146 or 147 (sale of alcohol to children), by a weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985(c.72)).

15.4 All enforcement actions taken by the Council will comply its "Enforcement and Prosecution Policy" and the Government's Enforcement Concordat, which the Council has adopted. The Council's "Enforcement and Prosecution Policy" can be viewed on the Council's website at :

http://www.sedgefield.gov.uk/environmentalhealth/htdocs/business_news/enforce_prosecution_policy.htm

15.5 The Council, Durham Constabulary, County Durham and Darlington Fire and Rescue Service and other enforcing authorities e.g. Durham County Trading Standards Service will whenever necessary give early warning to licence holders of any concerns about problems occurring at premises associated with the licensing objectives.

15.6 The 2003 Act provides a mechanism for reviewing a Premises Licence where problems associated with achieving the Licensing objectives occur.

15.7 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. An interested party or responsible

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authority may apply to the Licensing Authority for a licence to be reviewed. In such circumstances the Licensing Authority will hold a hearing and take any necessary steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the licence for up to 3 months or the revocation of the licence.

- 15.8 The Council will not expect a premises licence to be reviewed more than once within any 12 month period on similar grounds except in exceptional circumstances or where it arises following a closure order.
- 15.9 The Council's licensing enforcement officers will investigate complaints and allegations of unlicensed activities and ensure that the conditions related to licensed premises are complied with and will seek to work actively with Durham Constabulary in enforcing licensing legislation.

16. Definitions

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. In the event of any amendments in the 2003 Act the new definitions will prevail. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

'Designated Premises Supervisor' means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself. The DPS does not have to be present on the premises at all times when alcohol is being sold however the DPS and Premises Licence Holder remain responsible for the premises at all times.

'Interested Party' means any of the following:

- A person living in the vicinity of the premises ie lives sufficiently close to the premises that they are likely to be affected by the authorised activities
- A body representing persons who live in that vicinity eg a residents association, or a parish or town council
- A person involved in a business in that vicinity ie has business interests that might be affected by the authorised activities This is not confined to trade and commerce and includes the functions of charities, churches and medical practices.
- A body representing persons involved in such a business eg a trade association

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Interested Parties can make representations about licensing applications or apply for a review of an existing licence. Anonymous representations will not be accepted by the Licensing Authority. Representations to the licensing Authority must state the name and address of the Interested Party. The Licensing Authority does however accept that in exceptional circumstances e.g. fear of reprisals, an Interested Party may not wish for his/her personal details to be disclosed to the applicant. In such circumstances the Licensing Authority will consider withholding the name and address of the interested party from the copy of the representation that is provided to the applicant. Interested Parties can ask a body such as a Parish or Town Council to make the representation on their behalf however the details of the person(s) / body making the representation must be made known to the Licensing Authority.

'Late Night Refreshment' means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

'Licensable Activities' means:-

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of Regulated Entertainment
- the provision of Late Night Refreshment i.e. the supply of hot food or drink between 11.00 p.m. and 5.00 a.m.

'Licensed Premises' includes club premises and events unless the context otherwise requires.

'Operating Schedule' means a document containing a statement of the following matters (and any others that may be prescribed):-

- the relevant Licensable Activities
- the times at which the Licensable Activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Designated Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, and whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

'Personal Licence' is a licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its

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licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club certificate. Only the police can object to the grant of a personal licence. Personal Licence holders are responsible for every supply of alcohol under the premises licence. The Licensing Authority will take the following factors into consideration when considering whether or not authorisation has been given:

- the person authorised to sell alcohol should be clearly identified
- the authorisation should specify the acts which may be carried out by the authorised person
- the authorisation should be in writing. N.B. written authorisation is not however a requirement of the Act and its absence alone could not give rise to enforcement action.
- the personal licence holder should monitor the activities of the authorised person

'Portman Group Code of Practice' defines best practice in the naming packaging and promotion of alcoholic drinks and provides a procedural framework for influencing, regulating and controlling industry practice. The code is supported by virtually the whole Industry including producers, importers, wholesalers, retailers and trade associations.

'Premises Licence' is a licence granted by the licensing authority which authorises the use of any premises, which includes any place or part of premises, for licensable activities described in Section 1 (1) and Schedules 1 and 2 of the 2003 Act. A licence holder wishing to amend a licence will in most cases be able to apply for a variation rather than having to make a new application. An application to vary a premises licence will be required in the following cases:

- Varying the hours during which a licensable activity is permitted
- Adding or removing licensable activities
- Amending, adding or removing conditions within a licence
- Altering any aspect of the layout of the premises which is shown on the plan. In respect of areas on the plan which are not required to be shown on the plan eg beer gardens, the Licensing Authority will take into account the impact on the licensing objectives should these areas be utilised for the purposes of accommodating smoking shelters.

New premise licence applications will be required (Section 17 of the Act) when applications are received to:

- Extend a time limited licence
- Transfer the licence from one premises to another

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‘Provisional Statement’ is a procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

‘Regulated Entertainment’ means:-

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description falling within the last three of the categories listed above but only where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Exemptions Schedule1 Part 2

- Advertising and Educational Films
- Films at Museums and Art Galleries
- Incidental Live and Recorded Music
- Television or Radio Broadcasts
- Religious meetings or services
- Secular entertainment in places of public religious worship
- Garden Fetes
- Morris Dancing
- Vehicles in motion – but not vessels
- Small events in licensed premises (section 177)

‘Responsible Authority’ means any of the following:-

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for Health and Safety at Work
- the local planning authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm

‘Temporary Event Notice’ means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:-

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- duration – they are limited to events lasting for up to 96 hours;
- scale – they cannot involve the presence of more than 499 people at any one time;
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used, and
- the number of notices given by an individual within a given period of time a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period.

(If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved.)

17 POOL OF CONDITIONS

- 17.1 The Licensing Authority does not propose to implement standard licensing conditions across the board. Where considered appropriate and necessary for the promotion of the Licensing Objectives, the Licensing Authority will given the circumstances of each individual case consider attaching Conditions drawn from the relevant Pools of Conditions set out in Appendices 1 - 5.
- 17.2 Conditions not listed in the pool of conditions may be specifically tailored to the individual style and characteristics of the particular premises and attached to licences as appropriate.
- 17.3 Applicants may find it useful to refer to the pool of conditions when preparing “operating schedules” and considering what, if any, voluntary measures to be taken by them may contribute to the attainment of the licensing objectives and enhance the suitability of the application.
- 17.4 Where responsible authorities and interested parties do not raise any representations about an application made to the licensing authority, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act. The Licensing Authority may therefore not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 17.5 Applications for premises licences being sought without variation under the transitional arrangements for the same licensable activities as permitted under the existing licence(s) will be granted ‘new’ licences subject only to any conditions or restrictions which were attached to the existing licence(s).
- 17.6 The Act provides for mandatory conditions to be attached to premises licences in respect of :
- The named designated premises supervisor and the supply of alcohol by (or authorised by) a personal licence holder
 - Classification of films and the admission of children
 - The licensing of ‘Door Supervisors’.

Core Principles.

1. When applicants are preparing their operating schedules or responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out in the following Appendices are necessary to promote the licensing objectives.
2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
 - The nature and style of the venue;
 - The activities being conducted there;
 - The location; and
 - The anticipated clientele.

Under no circumstances does the Licensing Authority regard the measures outlined in the Appendices as standard conditions to be automatically imposed in all cases.

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
4. The Licensing Authority will carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

Appendix 1

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- the pager link is 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;
- any police instructions/directions are complied with whenever given; and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;

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- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:

- the number of supervisors;
- the displaying of name badges;
- the carrying of proof of registration;
- where, and at what times, they should be stationed on the premises; and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Appendix 2) and the prevention of public nuisance (see Appendix 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no 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 service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Appendix 2).

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Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Appendix 2)

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Appendix 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

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It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Appendix 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Appendix 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of “proof of age” before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 21” or other similar initiatives. Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Appendix 5).

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or

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bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons. Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- the number of supervisors;
- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption to control entry for the purpose of compliance with the capacity limit.

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Appendix 2.

CONDITIONS RELATING TO PUBLIC SAFETY

The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary. From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.

General

Additional matters relating to cinemas and theatres are considered in Appendix 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events. In addition, to considering the points made in this Part, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804 • The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm

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The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.

Safety checks

- Safety checks are carried out before the admission of the public.
- Details of such checks are kept in a Log-book.

Escape routes

- Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily openable without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Disabled people

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

Lighting

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Emergency lighting is not altered.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Curtains, hangings, decorations and upholstery

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits
- temporary decorations are not used without prior notification to the licensing authority/relevant responsible authority.

Capacity limits

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Access for emergency vehicles

- Access for emergency vehicles is kept clear and free from obstruction.

First aid

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.

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- If necessary, 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.

Temporary electrical installations

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Any ring is constructed and supported by a competent person and inspected by a competent authority.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- 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 Commission and Sport England).

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as

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to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Appendix 3.

Alterations to the premises

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. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers (see Appendix 1 for further detail).

Appendix 3.

THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)

In addition to the points in Appendix 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

PREMISES USED FOR CLOSELY SEATED AUDIENCES

Attendants

- (a) 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 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 - 1000	Five

And one additional attendant for each additional 250 persons (or part thereof)

- (b) Attendants shall not be engaged in any 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.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) 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 any authorised person on request.
- (e) 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.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

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Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Standing and sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special Effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any 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;
- explosives and highly flammable substances.

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In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order 2005.

Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95 • 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment Sheet No 16);
- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection is necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

PREMISES USED FOR FILM EXHIBITIONS

Attendants – premises without a staff alerting system

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
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 any auditorium or on any floor

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Attendants – premises with a staff alerting system

- (a) 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 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) 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.
- (c) 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.
- (d) The staff alerting system shall be maintained in working order.

Minimum Lighting

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).

Appendix 4.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

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- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

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Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Appendix 1 for further detail).

Appendix 5

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

For any premises with known associations (having been presented with evidence with or likely to give rise to:

- heavy or binge or underage drinking;
- drugs;
- significant gambling; or
- any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

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In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – Specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
- family entertainment; or
- non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example: during "Happy Hours" or on drinks promotion nights and during activities outlined in the first bullet point in the first paragraph above.

Age Restrictions – Cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

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Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at www.bbfc.co.uk before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- 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 five 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;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.”

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Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency (See Appendix 3).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

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- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age Cards

Proof of age cards are discussed in Appendix 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. The production of other proof, such as photo driving licences and passports should also be considered.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives.

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Under the “Challenge 21” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

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APPENDIX 6

TABLE OF DELEGATED FUNCTIONS

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police objection is made	If no objection is made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate.		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated personal licence holder		If a Police objection is made	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police objection is made	All other cases
Application for interim authority		If a Police objection is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision of whether a complaint or objection is irrelevant, frivolous, vexatious etc.		All cases	
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police representation to a temporary event notice		All cases	

For the period 07/01/2008 to 06/01/2011

Appendix 7.

Contact Names and Addresses

Head of Environmental Services
Neighbourhood Services Department
Sedgefield Borough Council
Council Offices
Spennymoor
Co. Durham
DL16 6JQ.

Tel: 01388 816166
www.sedgefield.gov.uk

Head of Planning Services
Neighbourhood Services Department
Sedgefield Borough Council
Council Offices
Spennymoor
Co. Durham
DL16 6JQ. Tel: 01388 816166 www.sedgefield.gov.uk

Chief Constable
Durham Constabulary
Aykley Heads
Durham Constabulary
Durham.
DH1 5TT Tel; 0191 386 4929

Chief Fire Officer
County Durham and Darlington Fire and Rescue Service
Fire and Rescue Service Headquarters
Framwellgate Moor
Durham
DH1 5JR Tel; 0191 384 3381 e-mail FireServiceHQ@ddfra.co.uk
www.ddfire.gov.uk

Durham County Council (Trading Standards and Social Services)
County Hall
Durham
DH1 5UG Tel: 0191 383 4567

Department of Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH
Tel: 020 7211 6257
<http://www.culture.gov.uk>

For the period 07/01/2008 to 06/01/2011



**This document is also available in other languages,
large print and audio format upon request**

العربية (Arabic)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

বাংলা (Bengali)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(中文 (繁體字)) (Cantonese)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

हिन्दी (Hindi)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

polski (Polish)

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਪੰਜਾਬੀ (Punjabi)

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Español (Spanish)

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

اردو (Urdu)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔