

**REPORT OF THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT  
LICENSING COMMITTEE – 20 JULY 2015  
REVIEW OF LICENSING POLICY STATEMENT**

**1.0 Purpose of the Report**

- 1.1 To advise the Committee with regard to the requirement to carry out a consultation exercise upon the Council's draft Licensing Policy Statement under the Licensing Act 2003.

**2.0 Description of Decision (Recommendations)**

- 2.1 The Committee are requested to note the contents of the report and give their approval that the Licensing Section undertakes a consultation exercise upon the Council's draft Licensing Policy Statement under the Licensing Act 2003.

**3.0 Introduction/Background**

- 3.1 Section 5 of the Act requires all Licensing Act Licensing Authorities to prepare and publish a policy statement that they propose to apply in exercising their functions under the Act.
- 3.2 The current policy statement was agreed at a meeting of the Council on 3 November 2010 and was published on 3 January 2011. The Act requires that this statement is reviewed by the Council every five years. The Act further requires that any revision of the statement is subject to a consultation exercise. The parties who must be consulted are:
- Northumbria Police;
  - Tyne and Wear Fire and Rescue Service;
  - Representatives of the licensing trade and members' clubs;
  - Local businesses and their representatives; and
  - Local residents and their representatives.

**4.0 Current Position**

- 4.1 Officers have completed a review of the current policy statement and have prepared a revised draft. This draft is based upon the amended guidance issued under section 182 of Licensing Act 2003 which was published by the Home Office in March 2015. At this stage, the draft statement is wholly in line with the national advice. However, the Council is obliged to consider any responses received and these may prompt a revision of the draft. A copy of this draft is attached to the report as Appendix 1.
- 4.2 The draft describes some legislative changes which have occurred since the previous policy was published. These relate to the deregulation of public entertainment in certain circumstances, Early Morning Restriction Orders and Late Night Levies.

## **5.0 Reasons for the Decision**

5.1 To facilitate compliance with legislation.

## **6.0 Alternative Options**

6.1 None.

## **7.0 Relevant Considerations/Consultations**

7.1 None.

## **8.0 Glossary**

8.1 No acronyms or abbreviations have been used in this report.

## **9.0 List of Appendices**

9.1 Appendix 1 – Draft copy of the Council's policy statement

## **10.0 Background Papers**

10.1 Licensing Act 2003  
<http://www.legislation.gov.uk/ukpga/2003/17/contents>

10.2 Guidance issued under section 182 of Licensing Act 2003 (March 2015)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf)

# Appendix 1



# Licensing Act 2003 Statement of Licensing Policy 2016 to 2021

Public Protection and Regulatory Services  
Jack Crawford House  
Commercial Road  
Sunderland  
SR2 8QR



**Licensing Act 2003**  
**Statement of Licensing Policy**  
(Issued pursuant to Section 5 of the Act)

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## **1. Introduction**

- 1.1 The purpose of this Statement of Licensing Policy pursuant to Section 5 of the Act is to set out the Council's policy with respect to the exercise of its functions as the Licensing Authority under the Licensing Act 2003 ("the Act"). It relates to the 'licensable activities' defined in Section 1 of the Act namely:
- (a) the sale by retail of alcohol;
  - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - (c) the provision of regulated entertainment; and
  - (d) the provision of late night refreshment.
- 1.2 The policy will promote the four licensing objectives described in section 4(2) of the Act. These objectives are:
- (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 1.3 Each objective has equal importance. The Council will seek to work closely with the Police, the Fire and Rescue Service, local businesses, community representatives and local people, in order to meet these objectives. The Council's decision making is constrained by the provisions of the Act or Regulations made under it and by having regard to the guidance issued under Section 182.
- 1.4 This revised Statement of Licensing Policy takes effect on **7 January 2016** and replaces the previous statement. It will remain in force for a period of five years beginning with that date. During that period the policy will be kept under review.

## **Legal Background to this Statement of Licensing Policy**

- 1.5 The Council is responsible for decisions to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime and disorder and prevent public nuisance can be attached to licences where necessary. For example, the Council could, in appropriate cases, restrict licensed hours in order to prevent people resident nearby being disturbed.
- 1.6 The Council must have due regard to this policy. We may, if we consider it appropriate, deviate from the policy but would need good reasons, which we can justify, to do so.

## **Context**

- 1.7 The Council has a vision that Sunderland should be a vibrant city with a wide range of experiences on offer for everyone. We want the City to be a good place to do business where businesses operate responsibly and do not impact negatively on each other, or on residents and visitors. The Council wants to

create the conditions for economic growth while achieving the best possible health and wellbeing for the residents of Sunderland

- 1.8 In that context, the Council recognises the benefits brought to the City's economy and *cultural life by the licensed premises in our area. Licensed premises are valuable centres of employment and are often a key part of the social lives of many people in the City. Well run licensed premises are, therefore, assets to our communities. The Council wishes to facilitate the success of licensed premises which are operated responsibly* and this policy is intended to support such businesses.
- 1.9 Unfortunately, the harmful consumption of alcohol by some people prevents us from realising our ambitions for the City. Some of our residents experience significant health problems as a result of drinking alcohol and the City has some of the highest rates in the country for alcohol-related hospital admissions, premature deaths and ill health caused by alcohol. Hospital admissions for alcohol-related alcoholic liver disease and alcohol-specific hospital admissions in the under-18 age group are significantly worse in Sunderland than the average for the whole of England.
- 1.10 The excessive consumption of alcohol impacts upon the resources of a number of frontline services including the National Health Service, the Police and Social Services. It impacts also upon the workplace, through lost productivity and absenteeism, and on education, through truancy and disruption. It is estimated that, in 2013/4, alcohol-related harm in Sunderland cost the local economy approximately £92.49 million; with the greatest costs being borne by workplaces (£32 million) and the NHS (£27 million). This does not take into account the health and social consequences suffered by individuals, their families, and the wider community.
- 1.11 The average intake of alcohol per person has increased nationally in the post war period which, in the context of increased availability of alcohol and a reduction in its relative cost, has contributed to an increase in alcohol-related harms across Sunderland. Misuse of alcohol is also implicated in many crimes that occur in the City and, in recent years, there has been a rise in the proportion of total crime that is related to alcohol. An indication of the scale of this problem is shown by the fact that, in 2014/15, 50% of the recorded 1,457 domestic violence crimes were alcohol-related.
- 1.12 Although the promotion of health is not an objective of the Licensing Act, alcohol misuse, as may be seen above, may engage one or more of the objectives enshrined in the Act. Given that the consequences of alcohol misuse are not consistent with the Council's aspirations for the City or the promotion of the licensing objectives, we intend to consider the sufficiency of the evidence to justify the use of all powers at our disposal to address these issues. It is likely, therefore, that we will consider the introduction of a number of the measures permitted by the legislation with the aim of supporting our vision for the City and preventing, as far as possible, problems associated with the excessive consumption of alcohol.
- 1.13 Because of the timescales involved with regard to consultation upon this policy and its adoption the Council may develop the measures proposed above in other

documents. It is possible, therefore, that this policy will be revised in due course and/or other legal approaches pursued. Any such proposals would be the subjects of separate consultation exercises.

## **Further Information**

- 1.14 Further information upon the Licensing Act and its implications is available from:

Sunderland City Council  
Public Protection and Regulatory Services  
Licensing Section  
Jack Crawford House  
Commercial Road  
Sunderland  
SR2 8QR

Telephone: (0191) 5205550  
Fax: (0191) 5531658  
Email: [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk)

## **2. Consultation and Guidance**

- 2.1 There are a number of groups who have an interest in the leisure industry. These include providers, customers, residents and enforcement agencies. They all have views and concerns that require consideration as part of the licensing function.
- 2.2 In formulating this Statement of Licensing Policy, the Council has paid regard to the Guidance issued by the Secretary of State under Section 182 of the Act in March 2015 and has consulted the following:
- Northumbria Police;
  - Tyne and Wear Fire and Rescue Service;
  - Sunderland Safeguarding Children Board;
  - Director of Public Health;
  - Representatives of the licensing trade and members' clubs;
  - Local businesses and their representatives; and
  - Local residents and their representatives.
- 2.3 Further consultation with the organisations and people mentioned above will be undertaken where any revision to this policy is proposed.
- 2.4 In addition, in formulating this policy, the Council has paid regard to the provisions of the **European Convention on Human Rights**; in particular the rights that everyone has to respect for their home and private life and to the peaceful enjoyment of their possessions (including a licence).
- 2.5 The **Human Rights Act 1998** makes it unlawful for a public authority to act in a way that will be incompatible with a convention right. Consequently, an aim of this policy, particularly in relation to the decision-making processes of the Council, is to ensure that a licensing decision does not cause a breach of a convention right.

- 2.6 The Council has also taken into account the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they reasonably can to prevent such incidences.
- 2.7 The Government has published an Alcohol Strategy in which it outlines how the Act can be used to address some of the social, health and crime and disorder issues raised by the misuse of alcohol when licensing authorities are considering applications for licences. The Council will take this strategy into account; including with regard to the investigation of the sale of alcohol to persons under the age of eighteen and the undertaking of steps with the aim of preventing anti-social behaviour.

### **3. Scope of Policy**

- 3.1 The Act is concerned with the sale of alcohol, the supply of alcohol by clubs, the provision of regulated entertainment and late night refreshment at any premises (defined by the Act as any vehicle, vessel or moveable structure or any place or any part of any premises).
- 3.2 Activities that require a licence under the Licensing Act 2003 and covered by this policy include the:
- retail sale of alcohol;
  - supply of hot food or drink from premises from 23:00 to 05:00 hours;
  - supply of alcohol or provision of regulated entertainment to club members;
  - provision of entertainment of a type listed below (known as regulated entertainment) to the public or club members or with a view to profit:
    - film exhibitions;
    - performances of a play;
    - indoor sporting events;
    - boxing or wrestling;
    - live music performances;
    - playing of recorded music; and
    - dance performances.
- 3.3 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment at certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).
- 3.4 In general, a reference in this policy to a premises licence will include a club premises certificate.
- 3.5 The scope of the policy covers new applications, renewals, transfers and variations and also temporary event notices. Additionally, the review of licences, which could lead to their revocation, is also within its remit.

#### **4. Live Music Act 2012 and other entertainment licensing deregulation**

4.1 The Live Music Act 2012 removed the licensing requirements for:

- Amplified 'live' music between the hours of 08:00 and 23:00 before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises<sup>1</sup>;
- Amplified 'live' music between the hours of 08:00 and 23:00 before audiences of no more than 500 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)<sup>1</sup>;
- Unamplified 'live' music between the hours of 08:00 and 23:00 in all venues; and
- The provision of entertainment facilities.

4.2 Any licence conditions relating to 'live' music on licensed premises have been suspended, but it is possible to impose new conditions or reinstate existing conditions following a review.

4.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. Organisers are encouraged to check with the Council if in doubt.

4.4 Another deregulation of entertainment licensing has been brought about by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between the hours of 08:00 and 23:00 on any day:

- A performance of a play in the presence of an audience of no more than 500 people;
- An indoor sporting event in the presence of an audience of no more than 1000 people; and
- A performance of dance in the presence of an audience of no more than 500 people.

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<sup>1</sup> The Live Music Act 2012 was amended by the Legislative Reform (Entertainment Licensing Order) 2014 in order to increase the audience ceiling from 200 to 500.

- 4.5 Finally, the Legislative Reform (Entertainment Licensing) Order 2014 deregulated certain types of regulated entertainment as follows:

### **Cross-activity exemption**

This exemption relates to councils, health care providers and schools and allows them to provide certain licensable activities on their premises between the hours of 08:00 and 23:00 without the need for a licence. Also, there is no limit on audience sizes at these events.

The licensable activities covered by this exemption are:

- 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; and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The sale of alcohol continues to be required to be licensed at these types of premises and the above-mentioned exemptions do not apply should any sexual entertainment be provided at the premises.

The types of council premises covered by this exemption are:

- Public parks and other public spaces;
- Town halls and administrative offices;
- Libraries;
- Swimming pools and leisure centres;
- Community halls; and
- Museums and galleries.

The Order allows councils, health care providers and school proprietors to permit third parties to perform live music or play recorded music on their own defined premises.

### **Recorded music in relevant alcohol-licensed premises**

The Order removed the requirement for the licensing of the playing of recorded music between the hours of 08:00 and 23:00, before audiences of no more than 500 people, on relevant premises authorised to be used for the sale of alcohol. The fact that the premises are licensed for alcohol purposes means that they remain subject to the licensing framework and it is the alcohol licence that provides the means by which any issues (should they arise) can be addressed.



## **Music at Community Premises etc.**

For community premises (as defined) which are not domestic premises the Order exempts live and recorded music activities between the hours of 08:00 and 23:00 and before audiences of no more than 500 people, but only if those premises are **not** authorised by a premises licence to be used for the supply of alcohol on the premises. This exemption will not apply unless the relevant person (as defined) has given permission for that music entertainment to take place.

‘Community premises’ are defined as:

- premises that are or form part of a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building;
- the premises of a hospital;
- premises in which a council has a relevant property interest or which are lawfully occupied by a council; or
- the premises of a school.

Where particular community premises are licensed for the sale of alcohol, any performance of live music or the playing of recorded music on relevant alcohol-licensed premises will be subject to the conditional deregulation described above.

The Order requires that any person concerned in the organisation or management of entertainment must have first obtained written consent from the council, health care provider or school concerned before the event can go ahead. An event organiser of music entertainment is not able to self-certify this written consent, nor can they rely on a prior written consent if full disclosure is not made, or purported consent is obtained from someone who is clearly unqualified or insufficiently senior.

## **Circuses**

The Order exempts travelling circuses from licensing requirements for the performance of a play, an indoor sporting event, a performance of live music, the playing of recorded music and performances of dance between the hours of 08:00 and 23:00, with no audience restrictions. Circuses will still need to have a premises licence or a Temporary Event Notice if they wish to put on an exhibition of film or a boxing or wrestling entertainment.

The exemption will only apply to travelling circuses where the entertainment takes place wholly within a moveable structure, and where the spectators are accommodated wholly within that structure, and where the travelling circus has not been on the same site for longer than 28 days.

“Travelling circus” is defined as a circus which travels from site to site for the purposes of giving performances.

## **Greco-Roman and freestyle wrestling**

The Order exempts Greco-Roman and freestyle wrestling disciplines from licensing as 'boxing or wrestling entertainment'. This exemption is subject to an audience limit of 1,000 people.

### **5. General Principles of the Policy**

- 5.1 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits. Licence conditions will be tailored to the individual application and only those appropriate to meet the licensing objectives will be imposed. All applicants will be expected to incorporate into their operating plan the steps proposed to comply with the four licensing objectives. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public; health and safety at work and fire safety legislation for example.
- 5.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Licensing Act 2003. Any terms and conditions that may be attached to the various licences will be focused on matters that are within the control of individual licensees or clubs. These matters will centre on the premises and places being used for licensable activities and their vicinity. The Council will primarily focus on the direct impact of the activities taking place at the licensed premises and on members of the public living, working or engaged in normal activity in the area concerned. In considering all licensed activities with regard to the objectives, the Council will take account of the following additional factors:
- The use of the premises and the numbers of people likely to attend;
  - The availability of public transport and private car parking;
  - The proposed hours and frequency of the licensed activity; and
  - Any past history of problems, related to any or all of the licensing objectives, and the impact of any measures taken to counteract the problems.
- 5.3 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of a licensee. However, licensing law is a key aspect of such control and is part of a holistic approach to the management of anti-social behaviour. We therefore expect all licensees to take responsible steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises e.g. on the pavement, in a beer garden or in a smoking shelter where and to the extent that these matters are within their control.
- 5.4 The Council is not able to authorise the supply of alcohol from premises used primarily as a garage, i.e. for the retailing of petrol or diesel or the sale or maintenance of motor vehicles. The issue of whether any use is primarily as a garage will be judged in each case on its merits.

## **6. The Need for Licensed Premises**

- 6.1 The Council will not take 'need' into account when considering an application, as this is not a licensing function but a matter for planning control (to a limited extent) and the market.

## **7. The Cumulative Impact of a Concentration of Licensed Premises**

- 7.1 The Government's Guidance for licensing authorities allows the Council to consider whether a large concentration of licensed premises in any area may have a potential impact on crime and disorder or public nuisance in that locality. We may then adopt a special policy of refusing new licences in a specified area; a rebuttable presumption that granting the application will add to the cumulative impact whenever we receive relevant representations about the cumulative impact upon the licensing objectives from a responsible authority or another person .
- 7.2 The Council has not yet adopted any cumulative impact policies. Any proposal to adopt such a policy would be dealt with separately to this policy.

## **8. Other Mechanisms for Controlling Cumulative Effect**

- 8.1 The Council recognises that, once away from licensed premises, a minority of consumers may behave badly and unlawfully. The Council may use various mechanisms, both inside and outside the licensing regime, to address these problems. These steps may include:
- planning controls (where possible);
  - positive measures to create safe and clean urban centre environments in partnership with local businesses and transport operators;
  - the provision of CCTV surveillance and hackney carriage stands;
  - designating parts of the City as places where alcohol may not be consumed publicly following intervention by the Police;
  - cooperating with the Police who may enforce the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
  - working with the Police who have powers to close down immediately any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
  - receiving representations from the Police, other responsible authorities or local residents or businesses who may seek the review of the licence or certificate in question.

## **9. Early Morning Restriction Order (EMRO)**

- 9.1 The Police Reform and Social Responsibility Act 2011 gave licensing authorities the discretion to restrict sales of alcohol by introducing an Early Morning Restriction Order ("EMRO"). Such an order would restrict the sale or supply of alcohol in a specified area between the hours of midnight and 06:00 with the aim of tackling high levels of alcohol-related crime and disorder, nuisance and anti-social behaviour.
- 9.2 The Council has not yet introduced any EMROs. Any proposal to do so would be considered separately to this policy.

## **10. Late Night Levy**

- 10.1 The 2011 Act also gave licensing authorities the discretionary power to charge a late night levy ("the levy") upon all relevant premises licences issued within their area. The levy is an annual fee payable in relation to all premises in a licensing authority area that are licensed to sell alcohol between the hours of midnight and 6:00. The purpose of a levy is to obtain contributions towards the costs of policing the night time economy.
- 10.2 The Council has not yet introduced a levy. Any proposal to do so would be considered separately to this policy.

## **11. Policy relating to Personal Licences**

- 11.1 The Act confers very little discretion upon licensing authorities in relation to the granting of personal licences. Provided that an applicant is aged eighteen or over, possesses a licensing qualification and has not, within the preceding five years, held a licence which has been forfeited, a licence **must** be granted **unless** the applicant has been convicted of a 'relevant offence' (as defined in section 113 of the Act) or a comparable foreign offence.
- 11.2 Where (a) relevant offence(s) has/have been committed, the Council must give notice of this/these to the Police. If the Police are satisfied that, in the light of such conviction(s), the granting of the licence would undermine the crime prevention objective, notice to that effect (an 'objection notice') must be given to the Council within fourteen days. If no objection notice is given, the licence must be granted. However, in cases where an objection notice is received, the Council must hold a hearing.

### **11.3 Policy**

**At any hearing, the Council's Licensing Sub-Committee would consider carefully whether the grant of a licence will promote the crime prevention objective. It would consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The application will normally be refused unless, in the opinion of the Sub-Committee, there are**

**exceptional and compelling circumstances that justify granting the application.**

#### 11.4 *Reason*

*Prevention of crime is not merely one of the four licensing objectives under the Act; it is also an important responsibility of the Council under the Crime and Disorder Act 1998. A Personal Licence holder should be a person who will assist the fight against crime. Granting a licence to a known criminal would, in many cases, undermine rather than promote the crime prevention objective.*

## **12. Policy relating to Premises Licences and Club Premises Certificates**

### **Structure/Physical Characteristics/Location of the Premises**

12.1 The Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.

12.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances, for example noise, light and odours. These may impact on people living, working or sleeping in their vicinity. It is therefore essential that premises are constructed or adapted and operated to safeguard occupants against these risks.

12.3 The Council will expect Operating Schedules<sup>2</sup> to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health Officers, Northumbria Police and Tyne and Wear Fire and Rescue Service before preparing their plans and schedules. All plans must be clear and legible in all material respects.

#### 12.4 **Policy**

**An application for a licence will not be granted for premises that are unsafe for members of the public. The Council may, where necessary, e.g. for reasons of public safety or the prevention of crime and disorder, impose conditions restricting capacity and may attach conditions relating to the monitoring of these capacities e.g. the installation of automatic counting systems.**

#### 12.5 *Reason*

*Under the public safety objective the Council has a duty to ensure that licensed premises are of a suitable standard that makes them safe for use by both staff and members of the public. Whilst the Council acknowledges that there are powers*

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<sup>2</sup> Operating Schedule – A document that is submitted by an applicant which outlines the licensable activities which are to take place on the premises, when they will take place, when the premises will be open to the public and what steps the applicant will take to promote the Licensing Objectives.

*available under health and safety legislation and fire safety legislation to ensure that premises are of a suitable standard, the Council will use all of its powers to ensure that, at the time a licence is granted, the premises are safe for use by both staff and members of the public. In addition, premises that are operating beyond their capacity may create problems of crime and disorder, which the Council will reflect in its licensing decisions.*

## **Sex- related entertainment**

- 12.6 The Licensing Act makes no specific provision with respect to certain activities such as “lap”, “table” and “pole” dancing. These and similar forms of sexual entertainment are not themselves designated as licensable activities under the Act but may require licensing under the Local Government (Miscellaneous Provisions) Act 1982. Advice with regard to this Act is available from the Licensing Section.
- 12.7 Any licensable activities undertaken on premises which provide sexual entertainment (e.g. the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), will require authorisation under the Licensing Act in respect of those activities.

## **Access and Facilities for the Disabled**

### **12.8 Policy**

**The Council will encourage licensees to provide reasonable facilities and access for people with disabilities.**

### **12.9 Reason**

*The Council believes that, wherever practicable, disabled people should not be treated in a less advantageous way than able-bodied people.*

## **Drugs**

- 12.10 The Council recognises that drug misuse may occur in public houses and nightclubs. Consequently, where appropriate, conditions may be imposed upon the licences of relevant venues in order to reduce the likelihood of drugs being sold and consumed. The Council will expect applicants for licences in respect of venues where alcohol is to be supplied for consumption on the premises or music is to be performed or played to detail in their operating schedules the steps they will take to prevent the use of drugs within their premises. The Council will expect licensees to be familiar with the Home Office Drug Strategy Booklet entitled Safer Clubbing (ISBN 1840827807) or subsequent editions.

## **Street Cafés**

- 12.11 Some licensees may seek to extend their operating premises onto the street by the creation of a street café area. The Council supports and encourages the provision of street cafés in the city. Authorisation for such extensions must be obtained from the Council in our capacity as the Highway Authority, under **Section**

**115E of the Highways Act 1980, and not under the Licensing Act 2003.** This is a separate and additional process and all enquiries should be directed to Network Control on 0191 5205550 or via the Council's website at [www.sunderland.gov.uk](http://www.sunderland.gov.uk).

## **Variations**

- 12.12 The Council will determine whether an application for a new licence, as opposed to an application for a variation, is necessary in line with the Government's Guidance upon the Act.

## **Minor Variations**

- 12.13 The Council will determine an application for a minor variation in line with the Government's Guidance upon the Act.

## **Community Premises**

- 12.14 Persons in control of premises such as church or chapel halls, village or parish halls, community halls and buildings of a similar nature may find the permitted annual number of Temporary Event Notices too restrictive. They may, therefore, wish to consider whether applying for a Premises Licence would be more beneficial.
- 12.15 Additionally, the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 allows persons controlling licensed community premises to apply to have the mandatory condition which requires their employment of a Designated Premises Supervisor removed from their licence.
- 12.16 This mandatory condition would be replaced with an alternative requiring that every supply of alcohol under the Premises Licence must be made, or authorised by, the management committee.
- 12.17 Where there is doubt as to whether premises may be considered to be "community premises", the Council will consider each case on its merits, with primary consideration being given as to how the premises are predominantly used.
- 12.18 The fact that a school or private hall is made available for hire by the community would not in itself be sufficient to qualify the premises as "community premises". The Council would consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature "community premises". The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.
- 12.19 The Council would expect the management committee to be a formally constituted, transparent and accountable body. The committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives.

## **Late Night Takeaway Food Premises**

- 12.20 Premises which are principally used for selling hot food for consumption off the premises (“takeaway premises”) may be associated with disorder as persons under the influence of alcohol having left late night venues may congregate at such locations. Applicants seeking to authorise the provision of late night refreshment at such premises are therefore recommended to have written policies for dealing with disorder and nuisance.
- 12.21 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated by their customers. Applicants are also asked to consider the necessity and type of packaging containers used in order to minimise nuisance..
- 12.22 Where the Council considers it appropriate and necessary, we may impose a condition on a premises licence which requires the licensee to provide litter bins in the vicinity of the premises. We may also require a licensee to service those litter bins as part of their own waste management arrangements.

## **13. Licensing Hours**

- 13.1 The Council recognises that in some circumstances, flexible licensing hours for the sale of alcohol from public houses and night clubs may avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, hackney carriage stands, private hire offices and other sources of transport that can lead to disorder and disturbance.
- 13.2 Fixed trading hours within designated areas are not planned to be set at present although consideration may be given to the use of an EMRO where evidence suggests that such an action may promote the licensing objectives.
- 13.3 The Council will generally deal with the issue of the licensing hours of public houses and nightclubs having due regard to the individual merits of each application. However, consideration may be given to restricting hours and/or imposing stricter conditions, e.g. in respect of noise control, where premises are situated in mainly residential areas.
- 13.4 The Council will generally consider licensing shops to sell alcohol for consumption off the premises at any times they are open for shopping. However, we may restrict those hours, e.g. where the Police or local residents make representations in respect of disorder and disturbance, in order to prevent a breach of the licensing objectives.



## **14. Children**

14.1 The protection of children from harm is one of the four licensing objectives. The Act prohibits the admission of children to premises in certain specified circumstances and, even where admission is lawful, such admission is at the discretion of those managing the premises. The Act contains no presumption of giving children access or any presumption of preventing this. Each application will therefore be considered on its own merits. However, the Council may find it necessary to limit the access of children to premises in order to protect them from physical, moral or psychological harm. Examples of situations where limitations may be necessary include premises:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- 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); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

14.2 The controls which may be implemented include the following:

- limitations on the hours when children may be present;
- limitations concerning the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations;
- requirements for accompanying adults (including for example, a combination of requirements which provide that persons under a particular age must be accompanied by an adult);
- full exclusion of persons under the age of eighteen from the premises when any licensable activities are taking place; and
- requirements to serve drinks in containers made from plastic or toughened glass.

- 14.3 It should be noted that the Council may not require that children may be admitted to licensed premises.
- 14.4 In submitting an application to license premises the applicant must submit copies to certain 'responsible authorities' as defined by the Act. These authorities include the Sunderland Safeguarding Children Board (SSCB), SSCB Business Unit, Room 13, Sandhill Centre, Grindon Lane, Sunderland, SR3 4EN who will advise on matters pertaining to the prevention of children from harm.

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

- 14.5 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is considered by the Council to be an important tool in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner that may appeal to or attract such persons. The Portman Group also issues retail alert bulletins that identify products that have breached this code. The Council therefore recommends that those persons involved in the business of supplying alcohol comply with both the Code and the retail alert bulletins.

### **Children and Cinemas**

- 14.6 Where applicants seek a licence to show films we expect that they will indicate in their operating schedules their arrangements for restricting children from viewing age-restricted films.
- 14.7 The Council will include a condition in all such licences that will restrict the admission of children in accordance with the recommendations of the British Board of Film Classification (BBFC) or, if a film has not been classified by the BBFC, the Council. Information upon obtaining such a recommendation is available from the Licensing Section at the address shown in Paragraph 1.8 above.

### **"Under 18" Discos/Events**

- 14.8 Such events present special risks for persons under the age of eighteen, e.g. assault, exposure to drugs, theft etc., and can be the focus of disorder in the surrounding neighbourhood. The Council expects applicants to identify strategies for managing foreseeable risks and the measures expected to be considered include:
- The Police and the Council to be notified of any "under 18" event at least 28 days in advance of the event. Such notification should be made by the Premises Licence holder or Designated Premises Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.

- A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and the Police. Such a system must:
  - Ensure coverage of all entrances and exits to the licensed premises both internally and externally;
  - Ensure coverage of such areas as may be required by the Council and the Police;
  - Such recordings must be retained (on tape or otherwise) for 28 days and must be supplied to an Officer of the Council or a Police Officer on request; and
  - An operational daily log report, endorsed by signature, must be maintained in order to indicate that the system has been checked and is compliant, or, in the event of any failings; that specified actions have been taken.
- The licensee to ensure that sufficient numbers of SIA registered security personnel are employed at the premises; specifically to the following minimum ratios: two supervisors for the first 100 customers, one of which being female, two for the second 100 customers and one for every 100 customers thereafter. At least one member of the security personnel should be employed as a floorwalker in order to constantly monitor patrons for evidence of alcohol- or drug- use and to protect patrons from unwanted attention or harassment.
- Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
- Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
- Ensuring that there is at least one hour between the conclusion of the “under 18” event and the venue opening for the commencement of any adult entertainment.
- Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.
- Where alcohol is seized from persons aged under eighteen, the details to be recorded in a register.
- Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to person aged under eighteen, that persons appearing to have consumed alcohol will be refused admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.

- Ensure a policy is in place for dealing with persons aged under eighteen who appear to be under the influence of drugs or alcohol and which incorporates the level of duty of care expected to be provided.
- Toilet checks being carried out at regular intervals and records of such checks retained.
- First aid provision to be available at the premises.
- Ensure a policy is in place to prevent persons aged under eighteen returning to the premises after consuming alcohol outside.
- A terminal hour for the event of 22:00.
- An area should be designated as a safe space, whereby unwell or intoxicated persons can be taken for medical treatment and, in the case of persons aged under eighteen, to remain until reunited with a parent, guardian or responsible adult.

### **Mixed Age Events**

14.9 Mixed age events (where alcohol may be available for sale to persons aged over eighteen and where persons aged under eighteen may also be in attendance) significantly increase potential risks. Clear management plans should be in place demonstrating how the licensee intends to control and mitigate the potential harm to individuals under eighteen years of age attending these events, irrespective of whether alcohol is available or not. Therefore the Council expects licensees operating mixed age events to identify strategies for managing the foreseeable risks additional to those outlined above in paragraph 14.8. The following is a list of the additional measures expected to be considered:

- All patrons to be given a secure wristband of different colours, differentiating persons aged at least eighteen from those aged under eighteen.
- Only one alcoholic drink to be purchased at any one time.
- At least two SIA registered security personnel to act as floorwalkers in order to constantly monitor patrons aged under eighteen for evidence of alcohol- or drug- use and also to protect patrons from unwanted attention or harassment.
- Children under the age of sixteen should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than four such children.
- All drinks to be served in plastic or polycarbonate glasses.

14.10 It must be stressed that the above measures are not considered to be an exhaustive list and licensees are encouraged to discuss the management of any

such events in detail with the responsible authorities as part of their risk management process.

## **15. Integrating Strategies**

- 15.1 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.
- 15.2 The Council has established a Multi-Agency Events Group (MAEG) consisting of Council officers and representatives from the emergency services in order to advise and co-ordinate planning for public events within the City of Sunderland.

## **16. Crime Prevention**

- 16.1 The conditions attached to licences will, in so far as possible, reflect crime prevention strategies. For example, closed circuit television cameras may be required to be provided in premises authorised to supply alcohol and images may be retained for a specified period to facilitate inspection by the Police or Council.
- 16.2 The Council encourages all holders of premises licences which permit the sale of alcohol for consumption **ON** the premises to be members of a local Pubwatch Scheme, which is approved by both Northumbria Police and the Council, where available.
- 16.3 Where representations are made by the Police in respect of crime and disorder with regard applications for the licensing of public houses or club type premises, the Council may attach licence conditions which require that all drinks are served only in containers made from plastic or toughened glass. This condition may be applicable on a permanent basis or triggered following a specified period of notice given by the Police for a specified period of time associated with a special event such as a high-risk football match or the Sunderland Air Show.
- 16.4 Again, following representations from the Police, conditions may be imposed on premises licences that require the employment of specified numbers of door supervisors during specified periods.

## **17. Cultural Strategies**

- 17.1 The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. Therefore, we will consider the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing, and take care to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Should there be any indication that such events are being deterred by licensing requirements, the matter will be considered with a view to investigating how the situation might be reversed. Advice upon whether cultural activities are required to be licensed is available from the Licensing Section whose address and contact details are at the introduction to this policy.

## **18. Promotion of Racial Equality**

- 18.1 The Council, in pursuing its functions under the Licensing Act, will comply with the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. The 1976 Act, as amended, also requires local authorities to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

## **19. Duplication**

- 19.1 In operating this policy, the Council intends to avoid duplication with other regulatory regimes in so far as possible. Conditions that replicate the requirements of other legislation will not be imposed. However, where regulations do not cover the unique circumstances that may pertain to specific licensed premises, tailored conditions may be utilised.

## **20. Conditions**

- 20.1 All applications for new licences or for variations of existing ones should be supported by an operating schedule. The schedule should specify (among other things) the steps that the applicant proposes to promote each licensing objective.
- 20.2 Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Council must grant a licence in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and any conditions that are consistent with the operating schedule.
- 20.3 Any conditions attached to licences following relevant representations will focus on matters within the control of the premises licence holder or club management committees. They will be used to ensure that the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity
- 20.4 Conditions will not be used as a means of attempting to attach responsibility to premises licence holders or club management committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity, unless information to the contrary is available to the Council.
- 20.5 The Council acknowledges that the content of operating schedules can be open to interpretation. Consequently, the Council will often apply a standard interpretation in respect of more commonly offered conditions. A pool of model conditions which may be used in the production of licences is attached as Appendix 1.
- 20.6 A list of the current Mandatory Conditions is attached as Appendix 2.

## **21. Enforcement**

- 21.1 Once licensed, it is essential that premises are maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. We will monitor premises and take enforcement action, where appropriate, in order to encourage such compliance.
- 21.2 The Council has established a Responsible Authority Group which seeks to ensure that resources are targeted upon problem and high-risk premises.

## **22. Reviews**

- 22.1 The Licensing Act provides a mechanism for reviewing licences where the operation of premises appears to detract from the licensing objectives.
- 22.2 At any stage during the life of a licence, an application for a review can be made to the Council by any responsible authority or any other person.
- 22.3 Subsequent to such an application, the Council will hold a hearing and take any appropriate steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor or suspension or revocation of the licence.
- 22.4 Persons concerned about the operation of a licence may first consider other options before requesting a review of a licence, including:
- Contacting the management of the premises to let them know about the problem and giving them the opportunity to address the issues, or
  - Contacting the relevant “responsible authority” (e.g. the Council’s Environmental Health Officers in relation to noise nuisance, or the Police in relation to crime and disorder) about the problem.
- 22.5 Applicants for the review of a licence are required to send a copy of their application to the licence holder and the “responsible authorities”, together with any accompanying documents, on the same day as the application is given to the Council. The Council will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.
- 22.6 Where an application for a review is considered to be frivolous, vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives the Council will reject it. Frivolous representations would concern minor issues which the Council could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.

- 22.7 The Council will not expect a licence to be reviewed more than once within any twelve month period on similar grounds, except in exceptional circumstances or following a Closure Order.

**23. Administration, exercise and delegation of functions**

- 23.1 The Council is involved with a wide range of licensing decisions and functions and has established a Licensing Committee for their administration.
- 23.2 We wish to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. Therefore, the Committee has delegated certain decisions and functions and has authorised the formation of Sub-Committees for this purpose.
- 23.3 Furthermore, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications will be delegated to Council officers. The table below sets out the method of delegation of decisions and functions to the Sub-Committees and officers.



<b>Matters to be dealt with</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation 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 an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases



## Appendix 1

### **LICENSING ACT 2003**

#### **POOL OF MODEL CONDITIONS**

Notes: -

- (i) These conditions must be read in conjunction with the Guidance under section 182 of the Licensing Act 2003.
  - (ii) These conditions must not be regarded as “standard conditions” which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions, which may need to be attached to licences depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.
  - (iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to licences to meet individual circumstances.
  - (iv) Applicants preparing Operating Schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.
  - (v) When incorporated into a licence, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution.
  - (vi) In these conditions the term “Licensee” refers to the holder of a Premises Licence or a club holding a Club Premises Certificate and Operating Schedule refers also to a Club Operating Schedule.
-

**CONDITIONS**  
**RELATING TO THE PREVENTION OF CRIME AND DISORDER**

**Text / Radio Equipment**

1. There must be provided at the premises text and/or radio equipment to be operated in conjunction with the Police.
2. The text and/or radio system must be capable of sending and receiving messages to and from the Police, and other licensees, Designated Premises Supervisors, Door Supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.
3. The text and/or radio system must be maintained in good working order at all times when the premises are being used for a licensable activity.
4. The text and/or radio system must be activated, made available to, and monitored by the Designated Premises Supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
5. The Licensee, Designated Premises Supervisor or other person having responsibility for monitoring the text and/or radio system provided must comply with any instructions or directions received through the system from the Police.
6. The Licensee, Designated Premises Supervisor or other relevant person must use the text and/or radio system to notify any incident of crime and disorder to the Police as soon as practically possible, in accordance with agreed protocols.
7. At any time that the premises are in operation the names of all personal licensees on duty and all persons in possession of text/radio equipment shall be recorded in an appropriate record book to be kept at the premises. This record book must be available for inspection by the Police staff or Council Officers at all times when the premises are open.

**Door Supervisors**

8. (either)
  - At all times that the premises are open for any licensable activity(or)
  - Between ..... and .....on .....(days) when the premises are open for a licensable activity

There shall be employed at the premises 'X' number of Door Supervisors
9. Door Supervisors must be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.

10. Door Supervisors may be male or female, but, where physical searching of a patron is to be undertaken, such searching must be undertaken by staff of the same sex as the patron.
11. Door Supervisors must be provided with 'two-way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.
12. Door Supervisors shall wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as Door Supervisors having regard to the events and activities taking place at the licensed premises.
13. On each day that Door Supervisors are engaged for duty at the premises, their details (names and licence numbers) shall be recorded in an appropriate book kept at the premises. In conjunction with this record book, an incident book shall also be kept. This record book and incident book must be available for inspection by Police staff or Officers of the Council at all times when the premises are open.

### **Bottle Bans**

14. Glass bottles containing beverages of any kind must not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel (except glass bottles containing wine which may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals).
15. No persons carrying open or sealed glass bottles must be admitted to be premises at any time that the premises are open for any licensable activity.

### **Plastic Containers and Toughened Glass**

16. Drinks shall be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

*(Note. Weights and Measures legislation may require the use of "stamped glasses" where "meter-measuring equipment" is not in use.)*

17. Any drinks to be consumed in a beer garden or children's play area must be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).
18. No glass drinking vessels or glass bottles shall be permitted *(in the areas described in the attached schedule and delineated on the approved plan.)*

## **CCTV**

19. A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and Northumbria Police. Such a system must:
- Ensure coverage of all entrances and exits to the premises internally and externally;
  - Ensure coverage of such other areas as may be required by the Council or Northumbria Police;
  - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings must be retained (on tape or otherwise) for a period of \_\_\_\_\_, and must be supplied to an Officer of the Council or a Police Officer on request; and
  - Be in operation at all times the premises are in use.

## **Open Containers not to be taken from the Premises**

20. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open bottle, whether empty or containing any beverage.

## **Restrictions on Drinking Areas**

21. No alcoholic drinks may be consumed in the (areas described in the attached schedule).

## **Capacity Limits**

22. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted numbers specified on the Premises Licence.
23. The maximum number of persons permitted in each of the following areas at any one time shall not exceed: -
- (a)
  - (b)
  - (c)
  - etc.,
- but at no time shall the total number of persons on the premises as a whole exceed (number) persons.
24. There shall be effective management arrangements in place to identify how many persons there are in the premises at all times when the premises are open for a licensable activity.

25. The maximum number of persons permitted to assemble on the licensed premises, or relevant part of the licensed premises, shall be indicated by a fixed notice bearing the words "Maximum Occupancy" with letters and numbers not less than 20 mm high, conspicuously sited at each relevant part of the premises and at the reception point.

### **Proof of Age**

26. A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
27. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of eighteen years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, Police or Armed Forces ID card, Proof of Age card carrying a "PASS" logo, or any other Government approved identification card or such evidence which the Council have approved as credible.

### **Crime Prevention Notices**

28. Suitably phrased, clear and conspicuous notices shall be displayed near the entrance to the premises and in other appropriate locations such as sanitary conveniences advising patrons:
- a) of any risk of theft or possibility of other criminal activity
  - and/ or*
  - b) to exercise care with their personal possessions to prevent theft
  - and/or*
  - c) how to report any incidents of theft or other criminal activity.
29. All such signs shall be illuminated or positioned in well-lit locations.

### **Signage**

30. A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance to the premises that gives details of times when the premises are permitted to be open for any licensable activity.
31. A conspicuous notice must be displayed on or immediately outside the premises, or which is immediately adjacent to the premises, which gives details of any restrictions relating to the admission of children to the premises.

**Large Capacity Venues used exclusively or primarily for the “Vertical” Consumption of Alcohol (High Volume Vertical Drinking Establishments (HVVDs))**

32. The premises must contain at least (number) tables and (number) chairs.

**Restaurants/Cafés**

33. Seating for no less than (number) persons shall be provided in the premises at all times the premises are in operation.
34. Seating shall be provided for all customers and alcohol shall only be served to those customers who are seated at tables by way of waiter or waitress service.
35. Except in the area identified and delineated (e.g., hatched, coloured green) on the deposited plan, alcohol shall only be sold or supplied to, and consumed by, persons seated at a table, by way of waiter or waitress service, save that:
- a. No more than (number) persons may stand in the area identified and delineated (e.g. coloured blue) at any one time; and
  - b. A patron may take alcohol from the area marked (e.g. coloured green) and consume it in the area marked (e.g. coloured blue).



## **CONDITIONS** **RELATING TO PUBLIC SAFETY**

### **Disabled People**

36. When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan.

### **Escape Routes**

37. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and be clearly identified.
38. Where chairs and tables are provided in restaurants and other premises, internal gangways must be kept unobstructed.
39. All exits doors must be easily opened without the use of a key, card, code or similar means.
40. All doors leading from exits into passages or to the outside of the premises shall be without locks, bolts or other fastenings, except that those doors used only for exit shall be fitted with panic bolts and the method of opening shall be clearly indicated on the door to which it is fitted. Panic bolts shall not be secured with chains, padlocks or other locking devices when the premises are being used for the purposes of the licence.
41. All exit doors must be regularly checked to ensure that they function satisfactorily and a record of the check kept on the premises.
42. Any removable security fastenings must be removed whenever the premises are open to the public or occupied by staff. Arrangements must be made to ensure that security-fastening devices are displayed in a prominent position under management control when the premises are open to the public.
43. The edges of steps and stairs shall be conspicuous. Mats, matting, carpets and other floor coverings shall be secured to the surface they cover and shall be so maintained.

### **Safety Checks**

44. Safety checks must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.
45. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a log book. The log book shall be kept on the premises at all times and shall be available for examination by Officers of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service.

## **Curtains, Hangings, and Decorations**

- 46. Curtains and drapes shall be adequately supported and shall not be hung across stairs, stairways or gangways. Curtains and drapes may be hung over doors, but shall be so hung as to draw easily and slide freely. All curtains and drapes shall be hung so that they do not come into contact with the floor, and do not conceal notices.
- 47. Temporary decorations must not be used without prior notification to the Council.

## **Capacity Limits**

- 48. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted numbers specified on the Premises Licence.
- 49. There shall be kept a record of the total number of persons present on the premises at all times when the premises are open to the public. Such record shall be kept in written form or by such other means as may be approved in writing by the Council and shall be kept readily available for inspection upon request by any Officer of the Council, Police or Tyne and Wear Fire and Rescue Service.

## **Access for Emergency Vehicles**

- 50. Access to the premises for emergency vehicles must be kept clear and free from obstruction.

## **First Aid**

- 51. Access to the premises for emergency vehicles must be kept clear and free from obstruction.
- 52. At least one suitably trained first aider per 500 people shall be on duty at all times when the public are present up to the first 3,000 and then one per 1,000 for the remainder. If more than one suitably trained first aider is on duty their respective duties must be clearly defined.

## **Lighting**

- 53. In the absence of adequate daylight all areas including circulation areas and exit routes shall be illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.
- 54. Emergency lighting must not be altered without the prior consent of the Council.
- 55. The emergency lighting system must be checked to ensure it is operating correctly before the admission of the public, members or guests.

56. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises immediately.

### **Temporary Electrical Installations**

57. Temporary electrical wiring and distribution systems must not be installed without notification to the Council at least ten days before commencement of the work and must be inspected and certified by a suitable qualified electrician prior to use.
58. Where it is not possible to give ten days notification to the Council of the installation of temporary electrical wiring and distribution systems, the work must be undertaken by competent, qualified persons.
59. Temporary electrical wiring and distribution systems must comply with the recommendations of the latest versions of BS7671 and, where applicable, BS7909 or successor standards.
60. All temporary electrical wiring and distribution systems must be inspected and certified by a competent person before they are put to use.

### **Indoor Sports Entertainment**

61. An appropriately qualified medical practitioner must be present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
62. Where a ring is constructed for the purposes of boxing, wrestling or similar sports, it must be constructed by a competent person, and inspected, prior to use, by a Building Control Officer of the Council (at the cost of the applicant).
63. At any wrestling or other entertainment of a similar nature, members of the public must not occupy any seat within 2.5 metres of the ring.
64. At water sports entertainments, staff adequately trained in rescue and life safety procedures must be stationed and remain within the vicinity of the water at all material times.

**CONDITIONS**  
**RELATING TO PUBLIC SAFETY IN THEATRES, CINEMAS,**  
**CONCERT HALLS AND SIMILAR PLACES**

**Attendants**

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

Number of members of the audience present on a floor			Minimum number of attendants required to be present on that floor
1	-	100	One
101	-	250	Two
251	-	500	Three
501	-	750	Four
751	-	1000	Five
And one additional attendant for each additional 250 persons (or part thereof)			

66. Attendants must not be engaged in any activity that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from the floor or auditorium where they are on duty.
67. All attendants must be readily identifiable to the audience (but this need not entail the wearing of a uniform).
68. The premises must not be used for a closely seated audience except in accordance with (a) seating plan(s), (a) copy/copies of which must be available at the premises and must be shown to an Officer of the Council, Police or the Fire and Rescue Service on request.
69. No article must be attached to the back of any seat, which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
70. A copy of any certificate relating to the design, construction and loading of any temporary seating must be kept available at the premises and must be shown to an Officer of the Council, Police or the Fire and Rescue Service on request.

**Standing or Sitting in Gangways etc.**

71. Sitting on floors must not be permitted except where authorised in the premises licence or club premises certificate.
72. Waiting or standing must not be permitted except in areas designated in the premises licence or club premises certificate.
73. In no circumstances must anyone be permitted to –
- sit in any gangway;

- stand or sit in front of any exit; or
- stand or sit on any staircase including any landings.

## **Drinks**

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

## **Balcony Fronts**

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

## **Special Effects**

76. Any special effects (as defined below) or mechanical installation must be arranged and stored to minimise any risk to the safety of the audience, the performers and staff.
77. Except with the prior written approval of the Council and subject to any conditions that may be attached to such approval no special effects shall be used on the premises.

Special effects include:

- a) dry ice machines and cryogenic fog;
- b) smoke machines and fog generators;
- c) pyrotechnics, including fireworks;
- d) real flame;
- e) firearms;
- f) motor vehicles;
- g) strobe lighting;
- h) lasers; and
- i) explosives and highly flammable substances.

## **Ceilings**

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

## **Seating**

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

## PREMISES USED FOR FILM EXHIBITIONS

### Attendants – Premises without a Staff Alerting System

80. Where premises used for film exhibitions are not equipped with a staff alerting system the number of attendants present must be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>
1 – 250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant must be present in any auditorium or on any floor

### Attendants – Premises with a Staff Alerting System

81. (a) Where premises used for film exhibitions are equipped with a staff alerting system the number of attendants present must be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>	<b>Minimum number of other staff on the premises who are available to assist in the event of an emergency</b>
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:

- the holder of the premises licence or the manager on duty at the premises;
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants must 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 must be maintained in working order and be in operation at all times the premises are in use.

### **Minimum Lighting**

82. The level of lighting in the auditorium must 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) or successor standards.

**CONDITIONS**  
**RELATING TO PUBLIC NUISANCE**

**Noise and Vibration**

- 83. The internal LAeq 15min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from the licensed premises.
- 84. Noise generated by amplified music must be controlled by a noise-limiting device set at a level determined by the Council, such level being confirmed in writing to the Licensee.
- 85. The lobby doors at the premises must be kept closed except for access and egress. Door staff must supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.
- 86. Windows, doors and fire escapes shall remain closed during entertainment events within the premises
- 87. The use of fireworks and pyrotechnics is restricted to the hours of ..... to .....
- 88. Clear and legible notices must be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents; in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

**Light Pollution**

- 89. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.
- 90. Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.
- 91. Lighting provided externally to promote advertising of the premises or activities associated with the premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.

**Noxious Smells**

- 92. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.



**CONDITIONS**  
**RELATING TO THE PREVENTION OF HARM TO CHILDREN**

**Access for Children to Licensed Premises – General**

- 93. Persons aged under eighteen must not be allowed access to the premises.
- 94. Persons under ...years unaccompanied by an adult aged over eighteen must not be admitted after .....

**Theatres**

- 95. Persons under the age of eighteen years must not be allowed access to premises during any time when an activity or entertainment of a sexual nature is being provided. For the purposes of this condition entertainment of a sexual nature includes but is not limited to striptease (sometimes referred to as exotic dancing), lap dancing, pole dancing or any other entertainment of a similar nature.
- 96. Persons under the age of eighteen years shall not have access to the premises (or specified part thereof) during any time when an activity, entertainment or service of an adult and/or sexual nature is provided. For the purposes of this condition entertainment of an adult or sexual nature includes but is not limited to performances involving feigned violence or horrific incidents, entertainment involving strong, foul, offensive or abusive language, nudity, striptease (sometimes referred to as exotic dancing), lap dancing, table dancing, pole dancing, feigned or actual sexual acts or fetishism, or which is likely to offend against good taste or decency or any other entertainment of a similar nature.

**Entertainment especially for Children**

- 97. Where entertainment is provided wholly or mainly for unaccompanied children:
  - a. an attendant must 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;
  - b. attendants must wear distinctive clothing or suitable armbands; and
  - c. attendants must be present throughout the entertainment and while the audience is entering and leaving the building.
- 98. All staff coming into contact with children shall be vetted by means of an Enhanced Disclosure and Barring Service check and have no convictions that would make them unsuitable to interact with children.

### **Children in Performances**

- 99. The show venue must be large enough to safely accommodate the children backstage.
- 100. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the children.
- 101. Children must be supervised by an adult at all times.

### **The Portman Group Code of Practice on the Naming, Packaging and Promotions of Alcoholic Drinks**

- 102. Compliance with the Portman Group's Retailer Alert Bulletins is required.

## Appendix 2

### Mandatory Conditions

#### **Premises licensed for the retail sale of alcohol for consumption on the premises.**

1. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. No person shall be employed at the Licensed Premises to carry out a security activity as defined by Schedule 2 of the Private Security Industry Act 2001 unless he/she is authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or is entitled to carry out that activity by virtue of section 4 of that Act.
4. Where any film shown is classified by the British Board of Film Classification in the 12A, 15 or 18 category no person under the age of 12 (and unaccompanied), 15 or 18 as appropriate shall be admitted to the part of the premises in which the film is being shown. Where any film shown is not classified by the British Board of Film Classification, admission of persons under the age of 18 to the part of the premises in which the film is being shown must be restricted in accordance with any recommendation made by the Council.
5. The relevant person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the relevant person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The relevant person must ensure that free potable water is provided on request to customers where it is reasonably available.
7. The relevant person must ensure that:-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
- (b) permitted price is the price found by applying the formula where
  - (i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) relevant person means, in relation to premises in respect of which there is in force a premises licence
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

9. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

## Community Premises

1. Every supply of alcohol under the premises licence must be made or authorised by the management committee.
2. No person shall be employed at the Licensed Premises to carry out a security activity as defined by Schedule 2 of the Private Security Industry Act 2001 unless he/she is authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or is entitled to carry out that activity by virtue of section 4 of that Act.
3. Where any film shown is classified by the British Board of Film Classification in the 12A, 15 or 18 category no person under the age of 12 (and unaccompanied), 15 or 18 as appropriate shall be admitted to the part of the premises in which the film is being shown. Where any film shown is not classified by the British Board of Film Classification, admission of persons under the age of 18 to the part of the premises in which the film is being shown must be restricted in accordance with any recommendation made by the Council.
4. The relevant person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the relevant person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to

condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The relevant person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. The relevant person must ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition:

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

- (b) permitted price is the price found by applying the formula where

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) relevant person means, in relation to premises in respect of which there is in force a premises licence
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (f) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (g) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).



## Off Licences

1. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
3. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
- (b) permitted price is the price found by applying the formula where
  - (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) relevant person means, in relation to premises in respect of which there is in force a premises licence
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

## Club Premises Certificates

1. The relevant person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the relevant person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
2. The relevant person shall ensure that free potable water is provided on request to customers where it is reasonably available.
  3. The relevant person must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The relevant person in relation to the club premises certificate must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

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

4. The relevant person must ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.