

Licensing Act 2003 Guidance on meeting the licensing objectives



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This Document has been produced to assist existing licensees and new applicants who wish to apply for Premises Licences under the Licensing Act 2003 (including variation applications). The information contained in this guidance will be used as a benchmark against which your application will be assessed.

General

The terms of a premises licence and any conditions attached should be clear, not just clear to those having specialised knowledge of licensing, such as the licensing authority or the manager of the premises but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all. The Licensing Authority's experience has shown that many conditions that have been volunteered have been vague, uncertain, imprecise and unenforceable. As an aid to applicants or their representatives to ensure that the operating schedules that are offered are spelt out in clear terms the Licensing Authority has formulated the following menu of common conditions which applicants are invited to use when formulating their operating schedules.

Prevention of Crime & Disorder

- Suitably qualified door supervisors must be employed when the premises are open past midnight and both the provision of regulated entertainment and the supply of alcohol are taking place.
- Door supervisors must be employed 30 minutes prior to the commencement of the entertainment to 30 minutes after the end of the entertainment.
- Door Supervisors must be employed from 9:00 pm until 30 minutes after the entertainment has finished.
- Door supervisors must be used at a ratio of 1:75 or as may be agreed in writing by the Licensing Authority.
- Door supervisors must wear clothing that makes them clearly identifiable in that role.

- ❑ CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority.
- ❑ CCTV recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.
- ❑ If the CCTV equipment is inoperative the Licensing Authority must be informed within 7 days and immediate steps to be taken to restore the equipment to full working order.
- ❑ A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
- ❑ Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.
- ❑ A crime prevention policy agreed by the Licensing Authority must be in place.
- ❑ An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.
- ❑ No person carrying open or sealed bottles or glasses will be admitted to the premises at any time.
- ❑ No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.

Public Safety

- ❑ An appropriate method agreed in writing by the Licensing Authority must be employed for checking the number of people entering and leaving the premises and ensuring that once the maximum occupancy is reached, no further persons are admitted.
- ❑ Irresponsible drinks promotions must not be permitted, and the Standards for the Management of Responsible Drinks promotions including Happy Hours produced by the British Beer and Pub Association will be complied with.
- ❑ The licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.
- ❑ The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
- ❑ The licence holder must ensure that all staff are aware of the social and legal obligations and their responsibilities regarding the sale of alcohol.
- ❑ Free drinking water must be made available at all times that the premises is open to the public.
- ❑ The telephone numbers of local taxi operators must be prominently displayed at the premises for the benefit of customers.
- ❑ All bottles and glasses and rubbish must be removed from public areas on a regular and frequent basis.

- ❑ The electrical system at the premises, including portable appliances must be inspected and tested annually by a competent person and a satisfactory safety report obtained. A competent person will be a suitably qualified electrician who is registered with the ECA or NICEIC.
- ❑ The Gas System, including appliances, must be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate must be obtained.
- ❑ Any oil fired boilers and appliances currently installed on the premises or installed in the future must be inspected and tested annually and an OFTEC certificate of inspection must be obtained.
- ❑ All safety certificates and inspection reports must be kept on site and made available for inspection by officers of relevant statutory bodies.
- ❑ The fire safety measures with which the premises are provided must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.
- ❑ An adequate and appropriate supply of First Aid equipment and materials must be available on the premises.

The Prevention of Public Nuisance

- ❑ The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
- ❑ Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exists.
- ❑ The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.
- ❑ No music or speech is permitted to be played by external speakers without the written consent of the Licensing Authority.
- ❑ Suitable signage must be displayed in the garden areas requesting patrons to respect the amenities of local residents.
- ❑ Where outside areas are provided for the use of patrons facilities for the depositing and the collection of litter will be maintained.
- ❑ Where drinks are going to be consumed in outdoor areas they must be served in plastic or toughened glass.

The Protection of Children from Harm

- ❑ A proof of age policy agreed in writing by the Licensing Authority must be enforced.
- ❑ Only plastic glasses or bottles will be permitted in children's play areas, beer gardens and recreational areas, or in any area where customers are required to remove footwear.
- ❑ Any restrictions on the admission of children to the premises must be displayed outside the premises.

- No one under the age of 18 years must be admitted into the premises whilst entertainment of an adult nature is taking place.

Further Guidance

Further conditions are available in Annex D to the Guidance issued under Section 182 of the Licensing Act 2003 available on the DCMS website at

<http://www.culture.gov.uk/NR/rdonlyres/597B72E2-61BC-44AD-98D2-6BC7208FD740/0/RevisedGuidanceJune2007.pdf>

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