

**EDEN DISTRICT COUNCIL
STATEMENT OF
LICENSING POLICY
16 DECEMBER 2004**

EDEN DISTRICT COUNCIL
LICENSING AUTHORITY

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1. INTRODUCTION

- 1.1. On 10 July 2003 the Licensing Act 2003 (the Act) received Royal Assent. The Act regulates certain licensable activities, set out below, on licensed premises, by qualifying clubs and at temporary events.
- 1.2. Eden District Council (“the Authority”) is a licensing authority for the purposes of the Act. The Authority must carry out its licensing functions with a view to promoting the four licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 1.3. The Act makes provision about the regulation of four licensable activities, which are:
 - the sale by retail of alcohol
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
 - the provision of regulated entertainment,
 - the provision of late night refreshment,
- 1.4. Regulated Entertainment is:
 - 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
 - any other entertainment of a similar description to the music and dance categories above, and
 - the provision of facilities for enabling persons to take part in
 - making music
 - dancing, or
 - entertainment of a similar description for purposes which include the purpose of being entertained
- 1.5. Late Night Refreshment is:
 - the supply, on or from any premises, of hot food or hot drink to the public for consumption on or off the premises between the hours of 11pm and 5am
- 1.6. Applicants are referred to the provisions of the Act for further information on licensable activities including limitations and exemptions.
- 1.7. Previous legislation dealing with these matters is to be repealed.

1.8. Section 5 of the Act requires the Authority to determine its policy for a three year period with respect to the exercise of its licensing functions under the Act. It is required to publish a statement of that policy and this document is that statement. The policy is to be kept under review and shall be revised at such times as the Authority considers appropriate.

1.9. Prior to determining its licensing policy, the Authority consulted with various persons and organisations. The consultees and procedure that was followed are set out in Appendix 3. The Authority is grateful for all of the representations it received. The Authority will also consult as required prior to revising its licensing policy.

1.10. In determining its policy, the Authority considered the provisions of the Act and had particular regard to:

- the licensing objectives
- the guidance issued by the Secretary of State under section 182 of the Act
- the representations made following consultation
- its duties and obligations under other legislation, including
 - The Disability Discrimination Act 1995 which contains measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property.
 - The Human Rights Act 1998 which incorporates certain parts of the Convention for the Protection of Human Rights and Fundamental Freedoms into UK law. The 1998 Act makes it unlawful for a public authority to act in a way which is incompatible with a Convention right.
 - The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on the Authority 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 Crime and Disorder Act 1998. Section 17 of that Act imposes a duty on a local authority to exercise its functions with regard to the impact on crime and disorder and the need to do all it reasonably can to prevent crime and disorder in its area

1.11. In addition to its powers under the Act, there is also a range of other legislation which is relevant to the provisions of the Act. This includes:

- The Health and Safety at Work Etc. Act 1974
- The Town and Country Planning Act 1990
- The Environmental Protection Act 1990
- The Criminal Justice and Police Act 2001
- The Fire Precautions Act 1971
- Fire Precautions (Workplace) Regulations 1997
- The Anti-Social Behaviour Act 2003

(This is not an exhaustive list)

- 1.12. The Authority will seek to use the full range of its powers in promoting the licensing objectives. Some relevant legislation gives powers to the police and other authorities to act. The Authority will seek to work in partnership with those authorities, as well as with businesses and other interested parties, to promote the licensing objectives.
- 1.13. If representations are made conditions may be imposed on licences and certificates where they are necessary for the promotion of one or more of the four licensing objectives. These will be focussed on matters, which are within the control of individual licensees, and others granted relevant authorisations if no representation are made the only the only conditions that will be attached to a licence will be those that are consistent with the Operating Schedule and statutory conditions under the 2003 Act.
- 1.14. The Authority has been careful to avoid duplication with other regulatory regimes in formulating its policy and will seek to avoid duplication in the exercise of its licensing functions. For example, the Authority will not impose conditions on a licence, which duplicate conditions imposed on a fire certificate or planning permission. To avoid duplication and conflicting decisions, there will be free exchange of information between the relevant authority staff and relevant committees (including, for example, the planning applications committee). Applicants are encouraged to make any necessary applications for planning permission at the same time as they make an application for a licence.
- 1.15. The policy statements in this document are for the guidance of applicants in preparing applications and for those affected by proposals. They set out the usual stance that the Authority will take in relation to applications. For applicants' information, the reasons why policies have been adopted have often been summarised after the policy. The reasons are given for information only and do not form part of the policy. Brief summaries of the law have also often been included for guidance and ease of reference only; they are not intended to be either comprehensive or definitive.
- 1.16. Applicants are encouraged to discuss their circumstances/proposals with officers from the Authority and other responsible authorities prior to submission of an application for a licence. Applicants are also encouraged to inform local residents and businesses of their intentions at an early stage. It is hoped that this will help to minimise the possibility that relevant representations will be made objecting to the proposals. In this way, the Authority and applicants will best be able to affect the grant of licences, which meet applicants' requirements whilst promoting the licensing objectives.
- 1.17. Applications (including all accompanying documents) must be in the prescribed form and must meet all of the requirements of the Act.
- 1.18. Failure to submit an application in the correct form will result in that application being returned. The Authority will endeavour to explain why the application is

considered to be deficient and will invite the applicant to re-submit the application with all the required information.

1.19. The Act limits the representations, which can be made about, licence applications and who can make such representations. Essentially, representations must relate to one or more of the licensing objectives and must be made by a person living or working in the vicinity of the premises or an organisation, which represents such persons. Anyone considering making an objection is invited to discuss their objection with licensing officers prior to submitting their representation.

1.20. In this document:

- “the Act” means the Licensing Act 2003.
- Unless indicated to the contrary the words and phrases defined in the Act shall have the meanings given in the Act when used in this document.
- Any reference to the grant of a licence, certificate or provisional statement shall, unless the context indicates or it is specifically stated otherwise, include reference to the variation, review or renewal of a licence.
- Policies in relation to premises licences shall also apply to provisional statements and club premises certificates unless it is expressly stated to the contrary or the context indicates otherwise
- “the Authority” means Eden District Council when exercising its functions under the Act
- “the District” means the administrative area of Eden District Council

1.21. For those who, at the time the Act comes into force, have existing licences relating to any of the matters now falling within the licensable activities, the transitional arrangements set out in appendix 2 will apply.

2 FUNDAMENTAL PRINCIPLES

- 2.1 The policy will promote the four licensing objectives contained in the Act.
- 2.2 Nothing in the Statement of Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have their application considered on its individual merits as well as against the relevant policy and statutory framework. It does not override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.3 All licensing applications will be determined on their individual merits following consideration of the proposals in the application and any relevant representations. In general, licences will be granted on the terms applied for but licences will not normally be granted in terms which conflict with any of the policies in this document unless an applicant is able to demonstrate that the exceptional circumstances of their application justify a departure from the policy. The Authority will not depart from the policy if any of the licensing objectives will be undermined by a proposal in the application.
- 2.4 The Authority is keen to promote the artistic and cultural life of the District and licensing will be approached with a view to encouraging cultural activities and innovative forms of public entertainment for the wider cultural benefits of communities generally. Only conditions strictly necessary for the promotion of the licensing objectives will be attached to a licence for activities of this nature, as the Authority are aware of the need to avoid imposing substantial indirect costs. Where there is any indication that licensing requirements is deterring such events, the policy may be reviewed with a view to investigating how the situation may be remedied.
- 2.5 The Authority aim to ensure a safe and family friendly environment with the District. Applicants should give consideration to this when preparing their operating schedules.
- 2.6 The Authority is aware that different areas and premises within the District have different characteristics and where possible will ensure that licence conditions reflect these. In particular
- Villages of a more quiet and rural nature
 - Urban centres, particularly where redevelopment is being encouraged
 - Village halls and community type premises which are the centre of the community and run effectively by volunteers

Reason

The policy statements in this document have been prepared following consultation with a range of interested parties, including trade representatives and the local community. The wishes of applicants have been balanced with the public interest in promoting the licensing objectives. All limitations and

restrictions on licences are considered necessary to promote the licensing objectives. Whilst the circumstances of an individual application may justify a departure from some of the policy statements, general adherence to the provisions of the policy will ensure consistency in decision making. This provides certainty for applicants and promotes public confidence in the licensing regime and the quality and safety of licensed premises.

3 PERSONAL LICENCES

3.1. The Law (Part 6 of the Act)

3.2. A personal licence is a licence granted to an individual, which authorises that individual to supply alcohol or authorise the supply of alcohol.

3.3. A person should submit an application for a personal licence to the licensing authority for the area in which they are ordinarily resident.

3.4. If granted a personal licence has effect for a period of ten years after which it can be renewed for further periods of ten years at a time.

3.5. An applicant for a personal licence must be aged 18 or over, must possess a licensing qualification and no personal licence held by him must have been forfeited in the period of five years ending with the date of his application (section 120(2) of the Act).

3.6. The Authority will require all applicants to produce a Criminal Records Bureau certificate.

3.7. Only the police may object to the grant of a personal licence to an individual. Such an objection can only be made where the applicant has been convicted of a relevant offence or any foreign offence and the police consider that the grant of a licence would undermine the crime prevention objective.

3.8. Policy

Provided that the applicant meets the requirements of section 120 (2) (a), (b) and (c) of the Act, the application of an individual for a personal licence will be granted save that if the applicant has been convicted of a relevant offence which is unspent under the Rehabilitation of Offenders Act 1974, and the chief officer of police has given the Authority an objection notice, a licence will not normally be granted unless the applicant can demonstrate that the grant to him of a personal licence would not undermine the crime and disorder prevention objective. In considering the application, the Authority will afford the applicant a right to a hearing before its Licensing Committee or a sub-committee. The factors that the Council will take into account when considering representations in this matter include (but are not limited to) the following:

- the nature and type of the offence
- how long ago the offence was committed
- how serious the offence was
- whether the offence was premeditated or was the result of a genuine mistake
- whether the applicant abused a position of trust when he committed the offence
- whether the offence was motivated by discrimination
- the conduct of the applicant since commission of the offence

Reason

The Authority has a duty when exercising its licensing functions to promote the prevention of crime and disorder and the other licensing objectives. Unless the circumstances are exceptional, granting a licence to an individual with a relevant conviction would undermine the Authority's ability to promote the crime prevention objective. Personal licence holders are expected to act in accordance with the law and will be key to ensuring that the provisions of the Act, and any conditions attached to a premises licence, are complied with. The Authority also has a duty under the Crime and Disorder Act 1998 to have regard to the effect on crime and disorder of the exercise of any of its functions and to do all it can to prevent such crime and disorder.

4 PREMISES LICENCES/CLUB PREMISES CERTIFICATES

4.1.1. Unless the context indicates to the contrary, the policies in this section shall relate to the grant of a premises licence, the issue of a provisional statement and the grant of a club premises certificate.

4.1.2. The law

Premises Licence (Part 3 of the Act):

A premises licence authorises the use of premises for one or more of the licensable activities. Applications can be made for a premises licence for any premises situated in the District.

4.1.3. An application for a premises licence will be required for large temporary events, which are outside the provisions relating to temporary event notices. (See also section 7 of this document)

4.1.4. Individuals, companies, charities and other specified persons and organisations may make applications. An individual may not apply unless he is aged 18 years or over.

4.1.5. An application can be made to the Authority for any place used for licensable activities or recognised club activities within its area and the application must be accompanied by:

- The required fee
- An Operating Schedule

- A plan of the premises
- If it is intended to sell alcohol a form of consent given by the person the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor.

4.1.6. The applicant will also be required to notify, and enclose a copy of the application and relevant attachments to all Responsible Authorities for the District. These include:

- The Chief Officer of Police, Cumbria Constabulary
- The Chief Fire Officer, Cumbria Fire Service
- The Environmental Services Section of the Technical Services Department, Eden District Council (Food Safety and Environmental Protection teams)
- The Planning Services Section of the Technical Services Department, Eden District Council
- Area Child Protection sub-Committee
- Any other Licensing Authority in whose area part of the premises is situated.
- In relation to a vessel the appropriate authority, namely;
 - the Maritime and Coastguard Agency
 - The Environment Agency
 - The British Waterways Board

Applicants are encouraged to have informal discussions with responsible bodies prior to submitting their application to identify any possible problems and to reduce the need for the responsible body to make representations when the application is submitted. See Appendix 4 for contact addresses

4.1.7. All applications must be in the prescribed form and include all necessary documents. Those requirements are set out in Section 17 of the Act. Particularly important is the operating schedule, which must include a statement of the following matters:

- the relevant licensable activities
- the times during which it is proposed that the relevant licensable activities are to take place
- any other times when it is proposed that the premises are to be open to the public
- where the applicant wishes the licence to have effect for a limited period, that period
- where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor
- where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both
- the steps which it is proposed to take to promote the licensing objectives

- such other matters as may be prescribed

4.1.8. Applicants will be required to advertise and give notice of their applications in the manner prescribed by Regulations.

4.1.9. Club Premises Certificates (Part 4 of the Act):

The Authority may issue a “Club Premises Certificate” to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the ‘qualifying club activities’ and that the Club is a qualifying Club in relation to each of those activities.

4.1.10 The qualifying Club activities are:

- The supply of alcohol by or on behalf of the Club to or to the order of a member of the Club;
- The sale by retail of alcohol by or on behalf of a Club to a guest or a member of the Club;
- The provision of regulated entertainment where that provision is by or on behalf of the Club for members of the Club or members of the Club and their guests.

4.1.11 The Club is a qualifying Club in respect of the qualifying activities provided that, under the rules of the Club,

- a person may not be admitted to membership, or be admitted as a candidate for membership, to any of the privileges of membership without an interval of at least two days between their nomination or application for membership or their admission, or
- people becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission, and
- the Club is established and conducted in good faith as a Club, and
- it has a minimum of 25 members.

4.2.1. General Policy

4.2.2. Consideration of the impact of licensable activities

4.2.3. If representations are made when considering an application for a licence, the Authority will take into account the following factors in assessing its likely impact on the licensing objectives in addition to any other relevant matters:

- the nature of activities proposed,
- the number of customers likely to attend the premises and the type of customers expected
- the location of the premises including the nature of the surrounding area and how this may have changed
- the proposed hours and frequency of operation;

- the level of public transport accessibility (including taxis) for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the physical and assessable nature of the premises
- the level of likely car parking demand in relation to the use of the premises in comparison with the existing situation and the likely effect on the movement of priority traffic;
- the cumulative impact of licensed premises in an area;
- the scope for mitigating any impact;

4.2.4. In considering any application where premises are already licensed, or have in the past been licensed for any of the licensable activities (under this or previous legislation), the Authority will take into account any evidence: of demonstrable adverse impact from the activity in the past (or indeed the lack of such evidence) and, if adverse impact has been caused, whether appropriate measures have been proposed or put into effect by the applicant to mitigate that adverse impact. The Authority will also consider any changes of circumstances (including changes to the premises or the nature of the locality) since the past problems occurred.

4.2.5. The Authority will support the provision of cultural and arts events such as live music, theatre, street art and circuses and will encourage the licensing of public spaces within the community (for example by parish councils or the district council).

Reason

The prime purpose of this policy is to promote the licensing objectives. In furtherance of this aim the policy lists particular matters that the Authority will take into account in considering whether a licensed activity is likely to cause an adverse impact. The aim of the policy is to achieve a balanced approach to these issues.

4.3. PREVENTION OF CRIME AND DISORDER

4.3.1 General Policy

The licensing Authority's starting point is to seek a reduction in crime and disorder throughout the District, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998.

Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

4.3.2. The Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the

area. Where necessary, applicants are expected to consider the impact of their proposals on crime and disorder both within and in the vicinity of the premises and to propose practical steps in their operating schedule to prevent crime and disorder. Such steps could include:

- use of CCTV inside and outside the premises
- use of metal detection or other search equipment or procedures
- crime and disorder risk assessment in relation to the proposed activities
- measures to prevent the use or supply of illegal drugs
- ensuring that all staff are appropriately trained
- Determine the safe occupancy capacity for the premises by carrying out a fire safety assessment
- employment of sufficient security staff controlling admission and patrolling the interior and exterior of the premises (such staff will be required to be licensed by the Security Industry Authority). The Authority recognises that there is a greater need for security staff in some premises than in others. For example there is likely to be a greater need for security staff in a town centre nightclub than in a village pub.
- participation in Pub Watch or other relevant schemes
- agreed protocols with police and other organisations and a commitment to cooperate and provide such evidence as the Police require
- adoption of a “dispersal policy” to seek to ensure that customers leave the premises in an orderly fashion, without bottles or glasses, and that there is sufficient transport available to carry customers home

What constitutes “in the vicinity” of particular premises will depend on the individual circumstances of those premises including their size, location, access routes and the character of the surrounding area.

4.3.3. In the event of Police representations, the Authority will not normally specify a person as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person’s known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he has been granted a personal licence.

4.3.4. Crime and Disorder Reduction Partnership

Where appropriate applicants will be expected to have regard to the information published by the Carlisle & Eden Crime and Disorder Reduction Partnership and consider the impact of their proposals on the issues identified as being of particular concern in the area for example:

- Violent crime
- Rowdy / Anti-social behaviour
- Fear of crime
- Road safety

Where relevant, applicants will be expected to propose steps to reduce the risks of such crimes occurring as a result (either directly or indirectly) of the licensable activities proposed.

Reason

The prevention of crime and disorder is one of the licensing objectives, which the Authority is under a duty to promote. The Authority recognises that some licensed premises can attract or encourage criminal behaviour, especially disorder problems where customers have consumed alcohol. There is evidence to suggest that a significant proportion of violent crime in the area occurs when the perpetrators/victims have consumed alcohol.

4.3.5. Drugs

Policy

The Authority will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of drugs into those licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent problems arising as a result of drug misuse. For example, this could include the provision of free water and a disposal policy for drugs, needles and the development of a drugs policy.

In particular the Authority will expect licensees and other staff in such venues to be familiar with the contents of the book "Safer Clubbing" issued by the London Drugs Policy Forum and endorsed by the Home Office and will expect licensees to follow the guidance it contains in relation to the operation of their premises. Safer Clubbing is available to download at <http://www.drugs.gov.uk/ReportsandPublications/Communities/1034174284>

In appropriate cases the Authority will consider imposing certain of the recommendations by way of licence conditions.

Reasons

Evidence indicates that more people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as 'recreational drugs'. Their misuse can hold grave dangers and has even led to fatalities.

Other factors coupled with the taking of the drugs may have contributed to these deaths, such as lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.

Drugs alter the way people behave, so law controls their distribution and possession. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.

The Authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as nightclubs and dance venues can be popular both with drug misusers and suppliers. It also recognises the difficulties for those running such premises in preventing the use and supply of drugs in their premises. However, it believes that steps can be taken to increase the safety of drug users on premises.

The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing a tragic loss of life caused by overheating and other factors brought about by and associated with drug abuse.

4.4 PUBLIC SAFETY

Policy

- 4.4.1 The Authority may inspect any premises in respect of which an application has been made. Officers will determine on the basis of risk which premises require an inspection and will inform the applicants and arrange an appointment as soon as practicable.
- 4.4.2. Where an inspection is to be carried out, the Authority's licensing officers will aim to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire Authority, police, building control and environmental health officers and health and safety inspectors.
- 4.4.3. A premises licence will not normally be granted unless the premises meet the statutory and any reasonable additional requirements of Environmental Health, Building Control, Fire Authority and other responsible authorities in relation to the safety of staff and customers.
- 4.4.4. It is acknowledged that the Act covers a wide range of types of premises including cinemas, concert halls, theatres, pubs, night clubs, private members' clubs, shops, restaurants and takeaways. Each type of premises has different risks associated with it. It is essential that applicants assess all of the risks presented by their premises and proposes practical steps to ensure the safety of staff and customers.
- 4.4.5 The Authority expects applicants to assess the risks in relation to the following issues.
- 4.4.6. Electrical safety: - The Authority expects premises to have been inspected in the context of the proposed licensable activities and to meet the appropriate British Standards. Other relevant conditions will be imposed requiring such standards to be maintained throughout the period of the licence.
- 4.4.7. Fire Safety – The Authority expects all applicants to submit a suitable and sufficient fire risk assessment and to confirm that all control measures will be implemented and/or remedial action taken prior to commencement of the

licensable activity to ensure that the safety of employees and the public is safeguarded in the event of fire at the premises. This applies regardless of whether or not any changes to the structure or use of the premises have been made. It is likely that the fire Authority will visit any premises where they have concerns for the safety of employees or members of the public following consideration of the fire risk assessment that is submitted. Guidance on the preparation of fire risk assessments will be available. Applicants will be expected to comply with any further requirements of the relevant Authority. The Authority may impose conditions to secure compliance with those requirements.

4.4.8. Sanitation – Provision should be made for adequate sanitary facilities to be provided in accordance with the appropriate guidance and capacity of the premises (currently e.g. BS6465 or HSG 195 The Event Safety Guide).

4.4.9. Seating – Where customer seating is provided, it should be demonstrably safe in consideration of the intended activities and, again, should meet British Standards (currently BS5588).

4.4.10. Occupancy Limits – The Authority will not generally impose conditions as to occupancy levels where these are adequately addressed by other controls may do so in any other case where relevant representations are made. The Authority will not normally grant a licence where it is concerned for the safety of the public because a fire certificate was granted before the intended use was proposed or where the intended use is likely to increase the risk of crime and disorder or risk to the safety of the public due to overcrowding. In such circumstances, occupancy conditions may be imposed.

4.4.11. The Authority will normally impose conditions to secure the provision and adequate maintenance of premises and equipment and the compliance with any procedural requirements of any relevant organisation (where such conditions will not duplicate requirements under existing legislation). It will also expect that adequate records will be kept to demonstrate compliance with the above requirements.

4.4.12 Where:

- there is evidence of a current or past problem in relation to particular premises or a particular locality, or
- in all the circumstances it is considered likely that such a problem might occur, and
- premises are to be used primarily for the sale/supply and consumption of alcohol (particularly if those premises have little seating for patrons relative to their size/capacity)

applicants should give consideration to the use of plastic glasses and policies not to pass glass bottles over the bar either throughout the period of operation or at certain times or on certain occasions and should include such policies in their operating schedule. If relevant representations are made and the Authority considers it to be necessary, it will consider imposing a condition to this effect.

Reason

The Authority expects premises that are open to customers to meet the highest standards of the relevant organisations in order to best secure the safety of staff and customers. This is also one of the licensing objectives. The Authority believes that customers should feel confident that when they enter premises they will be safe.

4.5 PREVENTION OF NUISANCE

4.5.1 General policy

- 4.5.2. The Authority recognises that fixed and artificially early closing times can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours, particularly relating to the sale of alcohol may therefore be a factor in reducing disorder at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 4.5.3. The Authority will not seek to introduce any form of 'zoning' in relation to licensing hours. Zoning is defined as the setting of fixed trading hours within a designated area. All residents living in the vicinity of licensed premises have equal rights to make representations concerning applications for and reviews of premises licences, including hours of trading and to have those representations given equal weight regardless of where they live.
- 4.5.4. Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to representations from the police, a limitation on licensing hours may be appropriate.
- 4.5.5. In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in predominantly residential areas and other noise sensitive locations.
- 4.5.6 Having regard to the nature of the proposed activities and the frequency and timing of those activities, the Authority will normally grant a licence for activities taking place at a village hall or other community premises on the terms sought

Reason

Experience in other areas shows that zoning can lead to additional problems including the movement of people in search of premises opening later and can put greater pressure on town centres than is necessary.

The Authority recognises the importance of village halls and other community premises to local communities. It also recognises that events at such premises are usually run for the benefit of those living in the local community.

4.5.7. Policy - Location of premises

4.5.8. The Authority will assess the potential impact of the use of premises against the characteristics of the area in which they are situated, having regard to the ways in which the use of the premises and characteristics of the premises have changed over time, if at all. For example, in the event of representation being made there would be close scrutiny of applications for a closing time of later than 11 pm in respect of premises situated in quiet residential areas with low background noise. Greater flexibility on closing times would be considered where for example, applicants could demonstrate that

- there is a high level of accessibility to public transport services
- there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicular movement will not cause demonstrable adverse impact to local residents
- the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.
- the licensable activities would not be likely to cause adverse impact especially on local residents, or that, if there is a potential to cause adverse impact, appropriate measures are to be put in place to prevent or minimise that impact;

Reason

This part of the policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas like parts of the town centres and the rest of the District.

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. Public nuisance may also be caused by customers being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Parts of the District are sensitive to the impact of licensable activities because they are either residential in character or close to residential areas. Many shopping areas are abutted by residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact

may be felt by local residents in preventing them from parking close to their homes and by increasing the danger from traffic in residential streets.

However, some commercial areas in the District, such as parts of town centres, may be more suitable locations for licensed activities, especially for those, which have late opening hours or attract significant numbers of people. In town centres, more customers are likely to travel by public transport and the activities may help bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the evening particularly when compared with predominantly residential areas so that additional noise may be less objectionable.

An entertainment use attracting large numbers of people should be very close to bus routes or taxi ranks, for instance. For the same reasons, the level of public transport accessibility will be an important factor in considering any exception to the normal closing times in any location.

4.5.9. Noise

4.5.10. Policy

4.5.11. The Authority will not normally grant a premises licence in terms, which are, in its opinion, following relevant representations, likely to result in increased noise disturbance to people living or working in the vicinity.

4.5.12. In particular, the Authority will give careful consideration to an application for a licence for premises situated in a predominantly residential area where the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.

4.5.13. The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use consider the existing noise context of the area and propose practical steps to prevent noise disturbance or minimise its effects.

4.5.14. Potential sources of noise include:

- sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc)
- customers and staff arriving and leaving the premises (including car doors slamming)
- excessive noise from outside entertainment

4.5.15. Practical steps could include:

- keeping doors and windows closed whilst entertainment is provided
- installing soundproofing measures to the premises (specialist double glazing, acoustic hoods over extractor fan outlets etc)
- reducing sound levels inside the premises (inclusion of a sound limitation device in the sound system)
- ensure that queues are directed to form leading away from residential premises

- ensure that sufficient door security staff manage queuing and leaving customers to minimise noise
- erect prominent notices at exits requesting customers to leave quietly
- reduce the volume of music entertainment towards the end of the evening
- giving free lollipops to customers leaving the premises
- ensuring that sufficient transport is nearby to enable customers leaving the premises to disperse quickly
- banning from the premises customers known to cause noise disturbance regularly on leaving the premises
- ensuring that customers are encouraged to leave the premises (including any car park or forecourt) swiftly
- ensure the volume of outdoor entertainment does not cause noise disturbance
- The prospect of providing police supervision at closing times

4.5.16. The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.

4.5.17. Live Music, Dancing and Theatre

4.5.18 The Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.

4.5.19. When considering applications for such events and the imposition of conditions on licences or certificates, the Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

4.5.20. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

Reason

The prevention of public nuisance is a licensing objective. Noise disturbance can be a public nuisance. The Authority is required to promote the licensing objectives. Granting a licence in circumstances where nuisance is likely to be caused will undermine that objective. The Council recognises that noise from licensed premises can cause great disturbance to people living and working near those premises. The Authority recognises that noise can be a nuisance during the day and at night in both residential and commercial areas and other noise sensitive locations if not properly managed or controlled.

4.5.21. Tables and Chairs outside Premises including garden areas

4.5.22. Policy

4.5.23. The Authority recognises that provision of tables and chairs outside premises either on the highway or on private land may enhance those premises. It can have the benefit of encouraging a continental style café culture. However, late

at night these same tables and chairs can contribute to noise and disorder problems. This is because they can encourage patrons and passers by to loiter rather than disperse. Licensees should note that in certain areas, byelaws prohibit the consumption of alcohol in public. Before planning to use tables and chairs outside premises (particularly where it is intended that alcohol will be sold), applicants should ensure that they will not contravene any byelaws or orders. Applicants should also ensure that other legislation, for example in relation to highways and planning, will not be contravened

- 4.5.24. The Authority will carefully consider any application where outdoor tables and chairs are proposed to be provided. In particular the Council will assess the premises in the context of their location, the hours during which the premises are to be open, the proposed licensable activities and proposals for control of the tables and chairs outside the hours of operation.

Reason

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

4.5.25. Littering

Licences for premises, in particular for the provision of late night refreshment for consumption off the premises, will not normally be granted where nuisance is likely to be caused by way of litter/food refuse being deposited on streets surrounding the premises and such nuisance is expected, due to the nature of the premises and likely customers, to exceed the level of nuisance caused by similar premises open during the day (for which no licence is required). In their operating schedule, applicants are expected to propose practical steps to reduce the likelihood of such problems arising, which could include:

- provision of litter bins on/in vicinity of premises
- litter patrols in the area after premises close (these could be organised in partnership with other premises or the local authority for example)

- 4.5.26. Conditions may be imposed seeking to limit the nuisance caused by litter.

Reason

Litter and food waste can be detrimental to the amenity of an area and can also represent a public health risk and encourage vermin. This policy seeks to prevent such nuisance occurring in promotion of the relevant licensing objective.

4.6. PROTECTION OF CHILDREN FROM HARM.

4.6.1 General Policy

- 4.6.2. The Authority will not normally impose conditions prohibiting the admission of children to any premises, unless relevant representations have been made, believing this should remain a matter of discretion for the licence holder.

Licence holders should be aware that there may be restrictions imposed by various legislation. In some cases however, it may be necessary to impose conditions designed to protect children.

4.6.3. The Authority will take strong measures to protect children from harm where it believes from the nature of the premises or proposed activities that harm would be likely. Examples of premises where the introduction of additional controls may be necessary are:

- Where entertainment of an adult or sexual nature is intended to be provided
- Where those running or working at licensed premises have been convicted of offences of serving alcohol to minors or where there is evidence to suggest that such activities have regularly taken place in the premises
- Where the premises are known to be associated with people taking drugs or dealing in drugs
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- Where the nature of the proposed licensable activity is likely to be more harmful to children than to adults (for example if the likely level of noise from regulated entertainment is likely to be high)
- In any other case where there is a presumption that children under 18 should not be admitted to the type of premises concerned
- Where premises are located near to schools, youth clubs or other premises commonly used by children
- Where there is provision for children to be on the premises and a no smoking policy is not in place
- Where alcohol is to be sold/supplied on premises at the nature of the premises is such that it would be difficult to ensure that alcohol would not be consumed unlawfully by children

4.6.4. In such circumstances while it may sometimes be necessary to impose a complete prohibition on the entry of children to the premises whilst licensable activities are being provided, this would be only rarely imposed. The Authority would normally be more likely to impose requirements such as:

- Limitations on the hours when children may be present
- Limitations on the age at which children are to be permitted to enter the premises
- Limitations or exclusions of children when certain activities are taking place
- Requirements for accompanying adults
- How the age of potential customers is to be verified both in terms of entry (where there are age restrictions) and in relation to the service of alcohol

4.6.5. Applicants should address the action they intend to take to protect children from harm in their operating schedules.

- 4.6.6. Where there is provision of entertainment specifically for children (e.g. a children's disco) the Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety.
- 4.6.7. Where children are working in licensed premises or are taking part in any regulated entertainment the Authority will expect the responsible adult to obtain guidance from the Cumbria Education Directorate.
- 4.6.8. The Authority recognises the Area Child Protection Sub Committees as a "Responsible Authority" under the Act, in respect of the protection from children from harm
- 4.6.9. Proof of Age
- 4.6.10. The Authority expects personal licence holders to contribute to not serving alcohol to children under 18 years, except in the limited circumstances allowed by law. The Authority recommends that the only way to verify a person's age is by reference to the following:
- Passport
 - photo card driving licence
 - a proof of age card issued under a properly accredited proof of age scheme such as the Proof of Age Standards Scheme (PASS).
- More information on the PASS scheme and the accredited proof of age cards is available from licensing staff

Reason

Children are vulnerable and can easily become the victims of crime or get drawn into crime. If they were allowed unrestricted access to all licensed premises, they could witness or become involved in activities inappropriate for their age. These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are "user friendly" for children but to ensure children are adequately protected. The Authority recognises that some licensed premises such as pubs can be valuable in providing entertainment and leisure facilities which can be used by young people, particularly in villages and other areas where there are limited alternative facilities.

- 4.6.12. Adult entertainment
- 4.6.13. Policy
- 4.6.14. No-one under the age of 18 should be permitted to enter premises whilst entertainment of an adult nature is being provided.
- 4.6.15. Adult entertainment should not take place in such a location as could be viewed from the outside of the premises. Advertising of adult entertainment should not include any photographs of the entertainment.

- 4.6.16. Applications, which include provision for adult entertainment to be provided, will not normally be granted unless the applicant can demonstrate that performers will be safe and that unlawful activities will not take place.
- 4.6.17. In considering the grant of applications involving striptease and other forms of adult entertainment the Authority will also have regard to the increased risk of nuisance to nearby residents and will consider rejecting the application or attaching appropriate conditions.

Reasons

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering "extras" to customers or the plying for trade by prostitutes.

- 4.6.18. Exhibition of films
- 4.6.19. Policy
- 4.6.20. Where the exhibition of films is permitted the Authority will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with and will normally impose conditions to that effect. Only in exceptional cases will variations of this general rule be granted by the Authority and then only with appropriate safeguards.
- 4.6.21. Applicants will be expected to include in the operating schedule arrangements for restricting children from viewing age related films classified according to the recommendations of the BBFC.
- 4.6.22. Licensees will not generally be permitted to exhibit any films that are not classified by BBFC without the prior written consent of the Authority.
- 4.6.23. To achieve consistency and the protection of children the Authority will use the guidelines published by the BBFC. Where it is desired to show films not classified by the BBFC the Authority will, provided at least 4 weeks notice has been given, classify the films concerned. Where licensees wish the Authority to reconsider the BBFC classification of a film, a similar procedure will be followed.

Reason

To protect children from exposure to films containing adult themes including scenes of violence or of a sexual nature inappropriate to their age.

- 4.6.24. Staging of plays
- 4.6.25. Policy

4.6.26. The Authority would not wish to impose any restriction as to the plays, which may be performed on premises licensed for that purpose. The law does not allow any conditions to be imposed regarding the nature of plays which may be performed or the manner in which they may be performed. However, where a play involves:

- The use of bad language
- Nudity or the portrayal of sexual activity
- Violence
- Drug use, or
- Other 'adult' themes or content

the Authority may impose a condition in relation to the age of children who shall be permitted to watch the play. In this regard, the Authority will be guided by the BBFC guidelines relating to films and would encourage theatres and other venues which intend to stage plays to consider each play they intend to stage in the light of those guidelines and impose an age restriction where appropriate and/or ensure that sufficient information is given to parents in the promotional material for plays to allow them to make an informed choice as to whether to allow their child to attend.

Reason

To protect children from exposure to adult themes or content which is not appropriate to their age.

4.7 CUMULATIVE EFFECT

4.7.1. Policy

4.7.2. Where the Authority receives representations from a responsible Authority or an interested party that the cumulative effect of licensed premises is leading to an area becoming saturated with premises the Authority will consider whether or not the granting of additional licences might lead to one or more of the Licensing Objectives being undermined

4.7.3. The Authority recognises that the cumulative impact of a number, type and density of licensed premises in a given area, may lead to serious problems of public nuisance and crime & disorder outside and some distance from the premises.

4.7.4. Where representations are received from a responsible Authority/ interested party that an area has become saturated with premises, creating problems of disorder and nuisance over and above the impact from the individual premises, the Authority will first consider whether the imposition of conditions is likely to address these problems and, if not, may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

4.7.5. The Authority will take the following steps when considering whether to adopt a special saturation policy:

- identify serious and chronic concerns from a responsible Authority or representatives of residents about nuisance and disorder
- where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
- assessing the causes
- adopting a policy about future licence applications from that area

4.7.6. A saturation policy will only be adopted where there is clear evidence to support any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.

4.7.7. The Authority recognises the diversity of licensed premises and will have full regard to those differences and the differing impact each has on the local community.

4.7.8. It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

4.7.9. Evidence of demand or need (or lack of the same) will not be considered.

4.7.10. Other mechanisms for controlling cumulative impact include:

- planning controls
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

These may be supplemented by other local initiatives that similarly address these problems.

Reason

It is not the policy of the Authority to seek to limit the number of licensed premises, which will be permitted simply because there are already enough licensed premises to satisfy the demand. That is not a matter for the Authority.

The 'cumulative impact' of the granting of an additional licence on the promotion of the Licensing Objectives is, however, a proper matter for the Authority to consider under this policy and the Authority may adopt a Special Saturation Policy.

The impact from licensed premises increases considerably in areas where there are concentrations of such premises. The adverse effects from licensed uses are particularly acute in some areas of the District both in and around town centres and elsewhere.

4.8. CONSIDERATION OF APPLICATIONS AND THE IMPOSITION OF CONDITIONS

4.8.1. Policy

4.8.2. On granting a licence, the Authority may only impose conditions which are:

- required by law, and/or
- necessary for the promotion of the licensing objectives, and
- proportionate

4.8.3. If no relevant representations are received, a licence will be granted on the terms sought subject only to such conditions as are consistent with the operating schedule and which comply with the above paragraph and any relevant statutory conditions.

4.8.4. In deciding what conditions to impose, the Authority shall have regard to the operating schedule together with the provisions of this policy statement, the law and government guidance and the representations made. Where there is any ambiguity or uncertainty in the meaning of any part of the application, the application shall be interpreted in such a way as shall best promote the licensing objectives.

4.8.5. Where relevant representations are received, the Authority will consider those representations together with any representations of the applicant, having regard to the provisions of this policy, the law and government guidance. Where relevant representations have been made, the Authority will not normally grant a licence in terms which conflict with this policy statement. In particular it may

- reject the application – if to do so is necessary to promote the licensing objectives and none of the following actions is reasonably practicable
- grant the licence but exclude from its scope one or more of the licensable activities applied for in order to ensure that the licence complies with this policy and promotes the licensing objectives
- grant the licence but modify such of the conditions imposed as is necessary to ensure compliance with this policy and to promote the licensing objectives
- grant the licence but refuse to specify a particular person or persons in the licence, as the designated premises supervisor if to name that person or persons would undermine the promotion of the licensing objectives.
- Approve different parts of the premises for different activities

4.8.6. The Authority will not impose conditions that duplicate other areas of regulation. For example, conditions will not be imposed which simply duplicate planning conditions or conditions attached to a fire certificate.

4.8.7. However, there may be occasions when conditions will be imposed which the Authority considers necessary for the promotion of the licensing objectives and which overlap with other areas of regulation, when for example the conditions on the fire certificate or planning permission do not adequately deal with those matters.

4.8.8. In general any conditions imposed will be drawn from a pool of model conditions which shall be modified as necessary in relation to a specific application. A pool of condition is set out in Appendix 5. These do not form part of the statement of licensing policy and are included for guidance only. They may be amended from time to time by the Authority.

4.8.9. Provided the licensing objectives are not undermined and the proposal does not conflict with the other statements in this policy, licences will be granted so that premises will be able to open to provide licensable activities between such times as the applicant sets out in his application.

4.8.10. When deciding what conditions to impose, the Authority will have regard to the particular requirements of people with disabilities, and will, so far as possible, seek to ensure that none of the conditions imposed on licences will have the effect of excluding such persons access to licensed premises.

Reason

The power to impose conditions is limited by the provisions of the Act

The Authority is under a duty to exercise its licensing functions with a view to promoting the licensing objectives

4.9 TRANSFER OF LICENCES

4.9.1. When considering an application for the transfer of a premises licence, the Authority will only have regard to the exceptional circumstances of the case as set out in any objection raised by the police on the grounds that the transfer

will undermine the crime prevention objective. The effect on the crime prevention objective will be considered against the background of the policies contained in this document.

4.10. VARIATION OF LICENCES

4.10.1 When considering an application for variation of a licence, the Authority will consider the impact of the proposed variation in terms of the policies in this document, but will not use such an application as a means to review the licence terms and conditions already granted.

4.11 PROVISIONAL STATEMENTS

4.11.1. An application for a provisional statement will be considered in the same way as would an application for a premises licence on the assumption that the works are completed as per the schedule of works submitted by the applicant.

4.12 USEFUL DOCUMENTS

4.12.1. Applicants may find that advice given in the documents listed at Appendix 6 will be relevant: and useful in the preparation of applications and operating schedules

5 COMPLAINTS / REVIEW OF LICENCES

5.1 Complaints

5.1.2. The Authority will investigate complaints against licensed premises of any description. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned. Where an interested party (such as a local resident, or a residents' association) has made

- (a) valid representations about licensed premises or
- (b) a valid application for a licence to be reviewed

5.1.3. Then the Authority will initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.

5.1.4. This process will not override the right of any interested party to ask that the Authority consider their request for a review of the licence, or for any licence holder to decline to participate in a mediation meeting.

5.2.1 Licence Reviews

The Authority will view seriously applications for the review of any premises licence where it involves:

- Persistent failure to comply with licence conditions

- Actions or omissions by the licensee (or his staff) which undermine the licensing objectives, particularly where they endanger public safety, expose children to actual or potential harm or cause public nuisance.

5.2.2. They will also view particularly seriously applications for review where:

- licensed premises have been used for the sale and distribution of illegal drugs and the laundering of the proceeds of drugs crimes
- licensed premises have been used for the sale and distribution of illegal firearms
- there has been repeated breach of copyright in respect of films, music etc
- there have been proven sales of alcohol to children for consumption on or off licensed premises
- licensed premises have been used for prostitution or the sale of unlawful pornography
- licensed premises have been used for unlawful gaming
- licensed premises have been used as a base for organised criminal activity
- licensed premises have been used for the organisation of racist, homophobic or sexual abuse or attacks
- licensed premises have been used for the sale of smuggled tobacco or goods
- licensed premises have been used for the sale of stolen goods
- the police have frequently been called to attend to incidents of disorder at the premises

6 ENFORCEMENT

6.1. Where necessary, enforcement action will be taken by the Authority in accordance with the principles of the Enforcement Concordat and the Authority Licensing Enforcement Policy.

6.2. Applicants should be aware that other agencies may take appropriate action under their own policies or legislation, e.g. Cumbria Constabulary, Cumbria Fire Service, and Trading Standards etc. The Police have the powers to close premises.

6.3. In particular regard will be had to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:

- Targeting - focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
- Consistency - similar approaches in similar circumstances to achieve similar ends.
- Transparency - helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
- Proportionality - action taken should be proportional to the risk presented.

- 6.4. The Authority has established protocols with the local police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of Authority, police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing law.
- 6.5. Furthermore the policy of the Authority will always be a light touch inspection regime for well managed and maintained premises with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.
- 6.6. The Authority will for its own purposes in undertaking its licensing functions under the Act assess the risks posed by licensed premises to the promotion of the licensing objectives. The broad categories of risks are as follows:
- High risk: nightclubs, pubs, theatres, cinemas
 - Medium risk: restaurants, clubs, off-licences (where not part of a larger store), other late night refreshment premises
 - Low risk: off licences that are part of a larger store
- 6.7. However, the Authority recognises that not all premises in a particular category represent the same level of risk to the public. These categories are for guidance only. The circumstances of particular premises may place them in a higher or lower category of risk. Applicants should be aware that officers of the Authority and other agencies may attend the premises unannounced at any time. When inspecting premises, officers will be seeking to ensure that the premises have not been altered or deteriorated since the licence was granted and that all of the licence terms and conditions are being complied with.

7 PERMITTED TEMPORARY ACTIVITIES

- 7.1. The law (Part 5 of the Act)
- 7.2. Where a person wishes to use premises for one or more of the licensable activities for a period not exceeding 96 hours a premises licence is not required. The person can simply serve a temporary event notice on the Authority notifying them of the event. The notice must be served on the Authority and a copy served on the police no later than ten working days before the event is to begin. It is recommended that notice be served as early as possible.
- 7.3. The maximum number of persons allowed on the premises at the same time during the temporary event is 499.
- 7.4. If alcohol is to be supplied, all supplies must be carried out by or under the Authority of the premises user.
- 7.5. Only the police may object to the staging of a temporary event and they may do so only on the ground that allowing the premises to be used as proposed would undermine the crime prevention objective.

- 7.6. The Authority must consider an objection notice and any representations which the premises user may wish to make. This is likely to be by way of a hearing unless all parties agree that a hearing is unnecessary. The Authority will give notice of its decision and the reasons for the decision. If the Authority upholds the objection it may serve a counter notice and the temporary event will not be able to be staged.
- 7.7. There are limitations on the number of temporary event notices which individuals can give and which can be given in relation to particular premises.
- 7.8. Whilst it is acknowledged by the Authority that no conditions can be imposed in relation to permitted temporary activities, it is hoped that the organisers of such activities will voluntarily comply with the requirements of this policy in staging their events. When considering an objection notice, the Authority will take account of the provisions of this document so far as they relate to the crime prevention objective.
- 7.9. Where the limitations on a temporary event cannot be fulfilled, for example due to the large numbers attending, a premises licence will be required. The Authority would expect early notice of such a major event to allow responsible authorities to discuss and agree operating schedules (See paragraph 4).

8 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

- 8.1. The Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 8.2. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee may delegate certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 8.3. Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Authority officers. All such matters dealt with by officers will be reported for information and comment only to the next Committee meeting.
- 8.4. The licensing committee will consist of 12 councillors. Licensing sub-committees of three councillors may consider the bulk of applications where a hearing is necessary if a large number of hearings is necessary. If few hearings are needed, it is likely that they will take place before the full licensing committee at its programmed meetings. Ward councillors will not sit on a sub-committee involving an application within their ward.
- 8.5. Every determination of a licensing application by the licensing committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision.

- 8.6. It is expected that the Authority's licensing officers will deal with the majority of licence applications and will decide whether representations are irrelevant, frivolous or vexatious. The person making a representation, which is considered to be irrelevant frivolous or vexatious, will be given written reasons for that decision. A report will be made to the licensing committee indicating the delegated decisions taken by officers and the general grounds of the irrelevant frivolous and vexatious representations and the reasons they were rejected.
- 8.7. The Authority will ensure that members and officers are appropriately trained to carry out their duties under the Licensing Act.
- 8.8. The table at Appendix 1 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 8.9. Officers, a licensing sub-committee and even the full licensing committee may decline to exercise their delegated powers in any particular case. On such occasions, officers may refer a matter to a sub-committee, the sub-committee to a full committee and the full committee to the full council.

APPENDIX 1 – Table of Delegated functions

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence	If objection made	If objection made	If no objection made
Application for personal licence, with unspent convictions	All cases	All cases	
Application for premises licence/club premises Certificate	If a representation Made	If a representation Made	If no representation made
Application for provisional statement	If a representation Made	If a representation Made	If no representation made
Application to vary premises licence/club registration Certificate	If a representation Made	If a representation Made	If no representation made
Application to vary <i>designated premises supervisor</i>	If a police objection	If a police objection	All other cases
Request to be removed as designated <i>premises supervisor</i>			All cases
Application for transfer of premises licence	If a police representation	If a police representation	All other cases
Application for Interim Authorities	If a police representation	If a police representation	All other cases
Application to review premises licence/club premises <i>certificate</i>	All cases	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local Authority is a consultee and not the <i>relevant</i> Authority considering the application	All cases	All cases	
Determination of a police <i>objection</i> to a temporary event notice	All cases	All cases	

A Full Committee will consist of 12 members, with a quorum of 4. A sub-committee will consist of 3 members.

APPENDIX 2 - Transitional Provisions (Schedule 8 of the Act)

The transitional period is taken to be the period between the first appointed day and the second appointed day. It has been announced that the first appointed date will be 7th February, 2005. The transitional period will be approximately nine months from the first appointed day.

Anyone who has an existing licence (as stated in Schedule 8 of the Act) or club certificate for an activity that falls within one of the licensable activities will be able to apply in the first 6 months of the transitional period for conversion of their existing licence(s).

Where an application for conversion of an existing licence is granted, the new licence will be granted subject only to such conditions as the Authority believes reproduce the effect of restrictions and conditions on the existing licence(s).

The new licence will take effect on the second appointed day.

Where there has been a material change in circumstances, the conversion will be granted unless the police object on the grounds that to grant the conversion would undermine the crime prevention objective. Such representations will be considered against the policies in this document.

At the same time as submitting an application for conversion of an existing licence, a licensee may apply for a variation of the licence. Such an application will be considered against the policies in this document and will normally be granted unless the proposed variation conflicts with the policies.

APPENDIX 3 -

APPENDIX 4 – Contact list

Responsible Authorities

Licensing Section
Eden District Council
Town Hall
Penrith
CA11 7QF

Chief Officer of Police
Penrith Police Station
Hunter Lane
Penrith
CA11 7UT

Or

Chief Officer of Police
Appleby Police Station
The Sands
Appleby
CA16 6XN

If you require clarification of which police team to send your application to please contact the telephone number shown.
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The Divisional Officer
Cumbria Fire and Rescue Service
C Division Headquarters
11-13 Brunswick Street
Carlisle
CA1 1PB

Environmental Services
Eden District Council
Mansion House
Penrith
CA11 7UT

Health & Safety Executive
2 Victoria Place
Carlisle
CA1 1ER

Planning Services
Eden District Council
Mansion House
Penrith
CA11 7UT

Senior Management Secretary

Safeguarding & Review
Social Services
New Oxford Street
Workington
CA14 2LW

Trading Standards
Cumbria County Council
13 Earl Street
Carlisle
CA1 1DP

APPENDIX

SAMPLE CONDITIONS FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES.

The Council has prepared sample conditions that may be used in respect of individual premises in order to promote the four licensing objectives. The conditions are of course not appropriate to all premises, as each must be looked at on an individual basis. To assist in assessing which conditions may be appropriate, a brief guidance as to when a condition is likely to be required has been given. It is stressed that this is for guidance only and there are likely to be other issues that may need to be considered.

The document is a "live" document and it is anticipated that changes alterations and additions will be made as needed.

The suggested conditions have been listed under the appropriate licensing objective. However, some conditions may relate to one or more of those objectives.

This is not a definitive list of sample conditions and it may be that other conditions are required for individual premises and applicants may offer any conditions they consider will be appropriate to promote the licensing objectives in the particular circumstances of their individual case.

Readers are also recommended to refer to the guidance issued under Section 182 of the Licensing Act 2003, Annexes D, E, F, G, H and J and the publications listed there that may assist you.

General

Please note that conditions attached to licences and certificates should not duplicate existing legislation.

Sample conditions relating to the Prevention of crime and disorder.

Communications between licenced premises and the Council's Central Watch.

- ◆ *The use of a communications system between licensed premises and the Council's Central Watch is an effective way of passing information in respect of existing or potential crime or disorder problems and can assist in the rapid response by the police to disorder situations. Communications systems may promote the crime and disorder objectives where one or more of the following apply:*
- ◆ *the proposed trading hours are late at night;*
- ◆ *there are large concentrations of people;*
- ◆ *there are problems of crime and disorder in or around the premises;*
- ◆ *there are existing problems of crime and disorder in the vicinity of the premises and it is difficult to establish which premises are the source of those problems.*

Suggested conditions

CD1

CD2

CD3

CD4 Every incident of crime or disorder in the premises shall be reported to the the Council by the Designated Premises Supervisor or a nominated member of staff.

CD5 The Designated Premises Supervisor when present and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with. (Note, where the premises hold a club premises certificate, there is no requirement for a Designated Premises Supervisor).

Door Supervisors

The presence of door supervisors and security teams at premises can assist in the promotion of the crime and disorder where one or more of the following apply:

- ◆ *the proposed trading hours are late at night*
- ◆ *large concentrations of people on and in the vicinity of the premises,*
- ◆ *problems of crime and disorder in or around the premises,*
- ◆ *existing problems of drugs misuse and crime and disorder in the vicinity of the premises where it is difficult to establish which premises are the source of problems,*
- ◆ *queues are likely to form for admission to the premises.*

It is recommended that at least one female supervisor should be available (for example, if female customers are to be subject to body searches).

Suggested conditions

- CD6** There shall be provided at the premises door supervisors *who are registered with the Security Industry Authority* to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity. *(Note. The conditions may have to be amended to include specific reference to times, dates and licensable activities and number of door supervisors dependant upon the representation(s) made by a responsible authority or the content of the operating schedule.)*
- CD7** There shall be employed at the premises not less than (insert number) female door supervisor(s) *who are registered with the Security Industry Authority*. *(Note. The actual number will be determined by representation from a responsible authority or the content of the operating schedule. The conditions may have to be amended to include specific reference to times, dates and licensable activities and number of door supervisors dependant upon the representation(s) made by a responsible authority or the content of the operating schedule.)*
- CD8** A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details; the door supervisors name, date of birth and home address, his/her Security Industry Authority registration number, the time and date he/she starts and finishes duty and the time of any breaks taken whilst on duty and each entry shall be signed by the door supervisor. That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

CD9 Door supervisors shall assist the management of the premises in:

- ◆ Preventing the admission to and aid the departure from the premises of any person who is drunk and/or disorderly and shall do so without causing further disorder.
- ◆ Preventing access to the premises of any person who is excluded from the premises for any reason.
- ◆ Searching and preventing access to the premises of any person who is or is suspected of carrying bottles, illegal drugs or offensive weapons.
- ◆ Preventing persons leaving the premises with drink in an open container or open bottle.
- ◆ Maintaining an orderly queue to the premises.
- ◆ Complying with any maximum occupancy level for the premises.

Drink Containers

Glasses and bottles used for the sale of drinks may be used as weapons during incidents of disorder and in untoughened form can cause very serious injury. The provision of drinks in plastic, paper or shatterproof glass containers would assist in the promotion of the prevention of crime and disorder and the public safety objectives where one or more of the following apply:

- ◆ *The proposed trading hours are late at night;*
- ◆ *the premises is a large high volume vertical drinking establishment (HVVD);*
- ◆ *there are large concentrations of people;*
- ◆ *there is a history of glass-related crime or accidents;*
- ◆ *at outdoor events where members of the public may carelessly discard glasses;*
- ◆ *outdoor events where people are more likely to stumble and fall thereby causing injury;*
- ◆ *where a children's play area is provided and there is a likelihood of injury from broken glass;*
- ◆ *there are problems of crime and disorder in or around the premises;*
- ◆ *there are existing problems of crime and disorder in the vicinity of the premises and it is difficult to establish which premises are the source or location of those premises;*
- ◆ *there is likely to be high states of excitement and emotion fuelled by alcohol (for example, televised sporting fixtures, indoor sports events such as boxing and outdoor sporting events where alcohol may be consumed on terraces).*

Suggested conditions

CD10 No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

CD11 No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic, paper or shatterproof/toughened glass.

CD12 No drink shall be removed from the premises in an unsealed container.

Restriction on drinking areas

The restriction of the consumption of alcohol in certain areas may assist in the promotion of the prevention crime and disorder objective e.g. on the terraces of sports grounds during particular sporting events or in children's play areas.

Suggested conditions

CD 13 The consumption of alcohol is prohibited in the area(s) identified on the plan of the premises during the following times (specify days of week and hours of day as appropriate).

CCTV

The installation of CCTV in and/or outside premises may promote the crime and disorder and public safety objectives where one or more of the following apply:

- ◆ *the proposed trading hours are late at night;*
- ◆ *the premises is a large high volume vertical drinking establishment (HVVD),*
- ◆ *where there are large concentrations of people;*
- ◆ *there are problems of crime and disorder in or around the premises;*
- ◆ *there are existing problems of crime and disorder in the vicinity of the premises and it is difficult to establish which premises are the source of location of those premises;*
- ◆ *there is a likelihood of queues forming at the premises.*

Applicants are advised to contact the Police for advice in respect of CCTV when preparing operating schedules.

Information about CCTV codes of practice and advice in respect of the Data Protection Act 1998 can be obtained from the web site of the Information Commissioner at <http://www.informationcommissioner.gov.uk/>.

Suggested conditions

CD14 A tamper proof CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Cumbria Police Local Crime Reduction Officer and shall be used to record during all hours that a regulated activity takes place on the premises and for one hour after.

CD15 Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.

CD16 A management system of the images taken by the CCTV supported by a secure tape / hard drive storage system to store those images shall be provided.

CD17 The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

Capacity Limits

The number of persons who are allowed to gain access to a premises may need to be controlled to prevent overcrowding which can lead to disorder, violence and can be a threat to public safety. Capacity limits may promote the crime and disorder and public safety objectives where one or more of the following apply:

- ◆ *alcohol is consumed on the premises;*
- ◆ *regulated entertainment takes place on the premises;*
- ◆ *the premises attracts large numbers of customers;*
- ◆ *the number of escape routes from the premises does not support the physical capacity of the premises;*
- ◆ *the discharge capacity of escape routes from the premises does not support the physical capacity of the premises;*
- ◆ *the toilet accommodation does not support the physical capacity of the premises;*
- ◆ *licensable activities take place in different parts of the premises.*

The issue of occupancy may need to be considered in conjunction with the need for door supervisors.

Suggested condition

CD18 The maximum number of persons allowed in these premises shall be *[insert the numbers, areas and occasions on which the capacity condition applies]*.

Proof of Age Cards

It is unlawful for persons under 18 years of age to buy alcohol just as it is unlawful to sell or supply alcohol to them. Proof of Age schemes may assist in the prevention of crime and disorder and the protection of children from harm objectives where one or more of the following apply:

- ◆ *there where there are large concentrations of people;*
- ◆ *there is a likelihood of persons under 18 years attempting to buy or being supplied with alcohol;*
- ◆ *where entertainment is likely to attract persons under 18 years of age.*

It is strongly recommended that only proof of age cards issued under schemes accredited by the Proof of Age Standards Scheme (PASS) which is supported by the British Retail Consortium are accepted. However, in the absence of a proof of age card, a photo driving licence or a passport may be acceptable.

CITIZENCARD, VALIDATEUK AND CONNEXIONSCARD are recognised proof of age cards. The CITIZENCARD is free to persons aged 16 to 21 years in the Wigan Council area.

Suggested conditions

CD19 There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 21 years of age. That policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence, passport or accredited student cards.

CD20 A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age and that persons who appear to be under the age of 21 years shall be required to produce proof of age by way of a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence, passport or accredited student card.

Crime Prevention Notices

To support the crime and disorder objective, it may be necessary for some premises to display notices to warn customers of the incidence of crime and that they may become a target of such crime. For example it may be necessary to warn customers to be aware of pickpockets or bag snatchers, to avoid the "spiking" of drinks or to require that luggage, bags etc. should not be left unattended because of terrorism. This advice may come from the police or other bodies involved in the reduction of crime.

Suggested condition

CD21 There shall be displayed on the premises such notice or notices as may from time to time be required by the Chief Officer of Police or other person involved in the reduction of crime in order to warn members of the public visiting the premises of the incidence of crime which may affect them. They shall be displayed in a position where they are clearly visible to those members of the public and shall contain details of a contact for the public in respect of the matters in the notice.

Signage

Signs displayed at the entrance to premises which set out details of the licensable activities and the hours for which the premises are licensed or any restriction on admission can assist in the prevention of crime and disorder and the protection of children from harm objectives where one or more of the following apply:

- ◆ *there are restricted hours of operation at the premises;*
- ◆ *the premises are subject to an occupancy limit;*
- ◆ *there are restrictions on access to the premises or any part of it in respect of persons under 18 years of age;*
- ◆ *the premises are licensed for more than one licensable activity.*

Suggested conditions

CD22 There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting those premises containing details of the trading hours under the premises licence, the licensable activities permitted on those premises and any maximum occupancy level set for the premises. (See also CD18)

CD23 Where the premises licence has restrictions relating to the admission of children, a sign detailing those restrictions shall be displayed at the entrance to the premises where it is clearly visible to members of the public visiting those premises.

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

Large capacity "vertical drinking" premises sometimes called High Volume Vertical Drinking Establishments (HVVDs) are premises with high customer capacity, which are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating available.

It may be appropriate and necessary in respect of such establishments to attach conditions to licences for the promotion of crime and disorder (if they have not been volunteered by the venue operator and following representations on such grounds) which require adherence to:

- *a maximum capacity for the premises (CD18);*
- *an appropriate ratio of tables and chairs to customers based on the capacity for the premises; and*
- *the presence of a SIA registered security team to control entry to the premises so as to ensure compliance with any capacity limit (CD6 TO CD9).*

Suggested condition

CD24 There shall be provided at the premises tables in the ratio of 1: (insert number) and seats in the ratio of 1: (insert number) customers.

Search policy (drugs and weapons)

Conditions relating to the searching of prospective customers before they enter premises may support the promotion of crime and disorder in that it could assist in preventing persons accessing premises in possession of drugs or weapons and detecting offences.

Suggested conditions

CD25 There shall be in force for the premises a search policy which shall apply to prospective customers and shall be developed in liaison with and to the satisfaction of the Cumbria Police Local Crime Reduction Officer.

CD26 There shall be displayed at the entrance to the premises a notice informing prospective customers of the search policy.

Sample conditions relating to Public safety

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the Law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control risks. Conditions enforcing those requirements would therefore be unnecessary.

However, in certain premises where existing legislation does not provide adequately for the safety of the public consideration might be given to the following matters.

Evacuation of disabled persons

Suggested conditions.

PS1 Where disabled persons are present on the premises there shall be in place arrangements for their safe evacuation in the case of an emergency or other reason. Details of those arrangements shall be recorded in writing.

PS2 All disabled persons on the premises shall be made aware of the evacuation arrangements.

Alterations to the premises

It may be necessary for conditions to be included which relate to the maintenance of the premises and to prevent alterations being made which may affect the safety of the premises including

Suggested condition

PS3

All parts of the premises shall at all times be kept free from defect and no changes, alterations of any kind to the surface finish or coverings including furniture and flooring on any part of the premises shall be made without the approval of the Council.

Escape routes

It may be necessary for conditions to be included which relate to the maintenance of escape routes and exits including internal exits. Such conditions may seek to ensure that exits and exit routes are kept free from obstruction, are properly maintained, ,

have even and non-slip surfaces and are clearly identified. Where chairs, tables, other seating or any other obstruction (for example a boxing ring) are provided there may be a need to ensure gangways to exits are kept clear. It is also essential that such exits and routes are available at all times when the premises are open to the public and as such fastenings should be removed and regular checks made to ensure conformity.

Suggested conditions

- PS4** All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with non-slip even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.
- PS5** The nosings on all steps and landings shall be maintained so that they are clearly visible by painting them in contrasting colours or other similar means.
- PS6** All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.
- PS7** Where a door on an escape route opens against the direction of exit travel, it shall be locked in the open position by a tamper-proof fastening when the public uses the premises and there shall be a clearly visible notice in capital letters which contains the following words, "THIS DOOR SHALL BE KEPT LOCKED IN THE OPEN POSITION WHEN THE PREMISES ARE OCCUPIED" displayed in a clearly visible position next to the door.
- PS8** All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.

- PS9** All exit routes and doors on such routes shall be checked on a regular basis and on every occasion that the premises are used for the purposes of a licensable activity to ensure that they are functioning properly and to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of those checks, of any defects discovered and remedial action taken shall be recorded in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.
- PS10** The method of opening any exit door or gate from the premises or enclosure(s) surrounding it shall be clearly displayed immediately above or below the fastening in white block lettering on a green background in letters not less than 50 mm high.
- PS11** Where any automatic self-closing fire-resisting doors activated by a fire alarm or fire detection system are fitted within the premises they shall not be prevented from closing by any device and shall be marked to both sides of the doors so that they are clearly visible and positioned at or about eye level with the words "FIRE DOOR KEEP CLEAR" in block letters not less than 50mm high when the premises are open to the public.
- PS12** Where a fire-resisting door is fitted within the premises and that door is required to be kept closed at all times then the door shall be clearly marked on both sides with a sign bearing the words "FIRE DOOR KEEP CLOSED" in block letters not less than 50mm high and clearly visible when the premises are open to the public.
- PS13** Where a roller shutter or folding gate is used on any escape route, that shutter or gate shall be locked in the open position when the premises are open to the public. A notice, "THIS GATE/SHUTTER IS REQUIRED TO BE LOCKED IN THE OPEN POSITION WHEN THE PREMISES ARE OCCUPIED" shall be fixed next to the gate/shutter where it can be clearly seen.
- PS14** Any door or gate in a premises which is not an exit door or gate shall have a sign bearing the word "PRIVATE" in block letters not less than 50 mm high.
- PS15** Any chain, padlock or any other device used to lock an exit door when the premises are not in use shall be numbered and shall be removed and stored on a storage hook bearing the same number when the premises are open to the public.
- PS16** The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.

PS18 Where seats are arranged for a closely seated audience, the seating and gangways shall be fixed and arranged to allow free unobstructed access to exits, routes to exits and the facilities provided in the premises. *(Where such seating is provided, reference must be made to the publication, "Guide to Fire Precautions in Existing Places of Entertainment and Like Premises" ISBN 0-11-340907-9 available from the Stationery Office and all good book sellers.)*

Safety checks

It may be necessary for conditions to be included which relate to safety inspections and checks being carried out at the premises before persons are allowed to enter those premises and that those inspections and checks are recorded in a log book.

Suggested condition

PS19 Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use. Details of the inspection, defects discovered and remedial action taken shall be recorded in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

Curtains, hangings, decorations, upholstery, carpets, walls and ceilings

It may be necessary for conditions which ensure that:

- *hangings, curtains and temporary decorations are maintained in a flame-retardant condition;*
- *any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;*
- *curtains, hangings and temporary decorations are arranged so as not to obstruct exits, exit signs, fire safety signs, or fire fighting equipment;*
- *temporary decorations are not to be used without prior notification to the licensing Authority and fire authority;*
- *carpets meet current fire retardancy requirements;*
- *walls and ceilings meet current fire retardancy requirements.*

Suggested conditions

PS20 The premises shall be maintained so that the following fire retardancy standards are complied with: -

- (i) All upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.
- (ii) All repairs or refurbishment of existing seating or upholstery shall include the removal of untreated polyurethane foam and its replacement by fillings which conform to the Furniture and Furnishings (Safety) Regulations 1988 (as amended).
- (iii) Carpets – B.S.4790 Low radius of spread.
- (iv) Walls and Ceilings – Circulation areas, Building Regulations. Class O General Areas, B.S.476 Class1.
- (v) All artificial foliage, floral decorations or any other decoration provided on the premises shall be of inherently flameproof material.

PS21 Where any furnishing or fitting in the premises including wall, floor and ceiling linings, requires further periodic treatment to maintain the surface spread of flame qualities, they shall be treated in accordance with the manufacturers specifications. When such treatment is carried out, a written record shall be made in the log book kept for that purpose and a certificate showing the treatment has been carried out shall be obtained and retained for inspection by the Fire Authority.

PS22 No curtain, hanging or any other decoration shall be positioned so as to obstruct any exit, sign or fire fighting equipment.

Control of occupancy limits

It may be necessary for conditions which ensure that:

- *where an occupancy limit has been imposed on a premises licence or a club premises certificate, arrangements should be in place to ensure that that limit is not exceeded; and*
- *the licence holder, a club official, manager or designated premises supervisor is aware of the number of people on the premises and be required to inform any authorised person of that number on request.*

Suggested conditions

PS23 The maximum number of persons allowed in these premises shall be *[insert the numbers, areas and occasions on which the capacity condition applies]*.

PS24 At all times when the premises are used for the purpose of the *licence/or club premises certificate, the licence holder, a club official, manager or designated premises supervisor who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if requested to do so give that information to an authorised person. (*delete as appropriate)

See also condition CD18

Fire action notices

It may be necessary for conditions which ensure that:

- *Notices detailing the actions, which need to be taken in the event of a fire or other emergency including, how the Fire Service should be summoned are displayed in positions where they can be easily seen and read and protected so as to prevent damage and deterioration.*

Suggested condition

PS25 Printed notices shall be displayed in the premises in places where they can be clearly seen and read and understood by the public and/or members of staff. They must set out in plain language and contain the essential steps that must be taken if a fire is discovered or the fire alarm goes off or other emergency arises and how to call the Fire Service. Those notices shall be protected from damage and deterioration.

Fire Alarm

It may be necessary for conditions which ensure that:

Suggested conditions

PS26 A suitable means of warning persons in the event of a fire shall be provided and maintained in accordance with BS5839 or EC equivalent. Such means of warning shall be tested in accordance with BS5389 or EC equivalent and at least one a week where the premises is to be used for the purpose of the licence in that week and record of such tests shall be made in writing in a log book kept for that purpose.

Outbreaks of fire

It may be necessary for conditions which ensure that:

- *The Fire Service is called to any fire, however slight and the details recorded in a logbook.*
- *There is someone on the premises who is responsible for calling the fire brigade in the event of a fire.*

Suggested conditions

PS27 A person who is nominated for the purpose of taking control in the event of a fire, fire alarm, emergency or event which may effect the safety of persons attending the premises shall be on and in charge of the premises at all times when any licensable activity is being provided. **That** person shall be responsible for calling the Fire Service in the event of any fire and that person shall also be responsible for meeting the Fire Service and guiding them to the fire.

PS28 Any outbreak of fire of any kind shall be reported to the Fire Service immediately and a written record shall be made in a logbook kept for that purpose.

Loss of water

It may be necessary for conditions which ensure that:

The Fire Service is made aware immediately of any interruption to the water supply to premises where that premises uses water to supply any fire fighting system.

Suggested condition

PS29 Where the water supply to any hydrant, hose reel, sprinkler, drencher or any other fire extinguishing installation is cut off or restricted the Fire Service shall be notified immediately.

Access for emergency vehicles

It may be necessary for conditions which ensure that:

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

Suggested condition

PS31 Clear and unobstructed access shall be available to the premises for use by the emergency services and emergency service vehicles at all times.

First Aid

It may be necessary for conditions which ensure that:

- ***There is an adequate and appropriate supply of first aid equipment and materials available for immediate use on the premises.***
- ***At least one suitably trained first aider on duty when the public are present and if it is necessary for more than one first-aider to be present that their respective duties be clearly defined.***

Suggested conditions

PS32 There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials. (I have reservations about changing this)PS33 At all times when the public are present, at least one person who is capable of administering first aid, is fully trained and who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present their duties shall be clearly defined.

Lighting

It may be necessary for conditions which ensure that where::

- ***there is a low level of lighting in any area to which the public, members or guests have access then additional lighting shall be in operation when they are present;***
- ***the fire safety signs are not illuminated so they can be easily read.***
- ***the standard of the emergency lighting is not altered in any way;***
- ***that any battery which provides power to an emergency light is fully charged before the admission of the public, members or guests;***
- ***the emergency lighting and exit signs are kept lit at all times when the public, members or guests are present on the premises;***
- ***that tests are carried out on emergency lighting to make sure it is working correctly;***
- ***where there is a failure of the normal lighting, and the emergency lighting batteries have a capacity of one hour, a policy is in place to***

ensure that the public, members or guests are evacuated from the premises within 20 minutes of the failure. Except, where the batteries have a capacity of three hours then the evacuation should take place within one hour.

Suggested conditions

- PS34 When the public, members or guests are present, the lighting levels in all parts of the premises shall be capable of providing sufficient illumination for the public, members or guests to leave the premises safely. (note; where the premises are a theatre or cinema, a complete or substantially complete blackout may be permitted for production reasons except that the exit signs shall be kept lit).
- PS35 All fire instruction signs shall be illuminated so that they can be easily read at all times when the public, members or guests are present.
- PS36 The controls for the emergency lighting shall be protected from unauthorised use and accidental operation and the system designed so that the standard of the emergency lighting cannot be altered.
- PS37 All emergency lighting and exit signs shall be kept lit at all times when the public, members or guests use the premises. (note: where the premises are a theatre or cinema, a complete or substantially complete blackout may be permitted for production reasons except that the exit signs shall be kept lit. **In such cases there shall be at least one person present who is competent to switch on the emergency lighting in an emergency situation**).
- PS38 Every battery which is used to power an emergency light or exit sign shall be maintained in a fully charged condition at all times.
- PS39 An inspection of all normal and emergency lighting shall take place on every occasion and before the public, members or guests are admitted to the premises. A record shall be kept of those tests and any faults discovered together with a record of the work carried out to repair those faults in a logbook. All faults discovered shall be repaired immediately or if that cannot be done then as soon as is possible and the reason for the delay shall be entered in the logbook.
- PS40 The emergency lighting shall be capable of being easily tested and the operation and purpose of the controls shall be clearly marked.

Electrical Installations

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, consideration may be given to the use of conditions that ensure that

Where in any premises, lighting, video equipment, sound reproducing equipment, electrically operated musical equipment/instrument, hand held electrical apparatus or any other apparatus of any description which relies on mains voltage supply that the source is protected by a residual current device.

Suggested conditions

PS40 Where in any premises, lighting, video equipment, sound reproducing equipment, electrically operated musical equipment/instrument, hand held electrical apparatus or any other apparatus of any description which relies on mains voltage supply one of the following protective means shall apply to the mains voltage electrical socket to be used:

- a) each socket outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30 milliamp; or
- b) each individual socket outlet shall be protected by a residual current device having a rated residual operating current not exceeding 30 milliamp.

Except that the use of a single a residual current device to protect a group of circuits and the use of a "plug in" residual current device shall not be permitted.

Temporary electrical installations

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, consideration may be given to the use of conditions that ensure that .

Suggested conditions

PS41 No temporary electrical wiring or distribution system shall be installed in the premises unless;

- (1) The installation is carried out by a suitably qualified and competent person who has issued a written certificate that the installation is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909 and a copy of that certificate has been given to and retained by the Premises Licence Holder or the Club Premises certificate holder; or**
- (2) where any temporary electrical wiring or distribution system has been installed in any premises by a person who is not competent to do so, the installation has been inspected and certified in writing by a suitably qualified and competent person that it is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909 and a copy of that certificate has been given to and retained by the Premises Licence Holder or the Club Premises certificate holder: and**
- (3) A written notice has been served on the Licensing Authority not less than ten days before any work commences unless that is not possible due to time constraints. In such cases written notice shall be served as soon as is practicable.**

Sanitary accommodation

In certain premises where existing legislation does not provide adequately for the provision of lavatory accommodation for use by the public or club members and guests, consideration might also be given to conditions that ensure that such accommodation is provided and maintained.

Suggested condition

PS42

The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.

Sports Entertainment

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- *if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;*
- *where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;*
- *at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and*
- *at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also *Managing Health and Safety in Swimming Pools* issued jointly by the Health and Safety Commission and Sport England).*

Suggested conditions.

PS43 Where the entertainment consists of any contact sport a Medical Practitioner who is qualified to deal with all medical emergencies and in particular to any injury arising from the event shall be present the whole time the premises are open for the provision of such regulated entertainment.

PS44 Where the entertainment requires the provision of a ring, it shall be installed by a competent person who shall ensure that it is properly constructed and supported and all materials used in its construction are non-combustible. That competent person shall supply to the Premises Licence Holder or the Club Premises Certificate holder a certificate that the ring has been correctly constructed, is fit for use and is constructed of non-combustible material.

PS45 No member of the public shall be allowed to be seated or to enter an area within 2.5 metres of the outermost edge of the playing area of the sport.

PS46 Where the entertainment relates to the provision of water sports, there shall be present an adequate number of staff who are trained in rescue, life saving and resuscitation. Such staff shall be positioned and remain adjacent to the water at all times the premises are used for entertainment and be readily identifiable to the public by means of conspicuous clothing or other marking system which is visible under all lighting conditions. (*See the recommendations in the joint Health and Safety Commission and Sports Council publication "Managing Health and Safety in Swimming Pools"*).

Alterations to the premises

Premises should not be altered in any way which would make it impossible to comply with any existing licence conditions without first seeking a variation in the premises licence which would seek to vary the conditions the alterations would affect. This would require the applicant to submit a new operating schedule which would reflect the proposed alterations and how he/she intends to take alternative steps to promote the public safety objectives. This would allow the responsible authorities to consider if the proposals were acceptable.

Suggested conditions

PS47 Where it is proposed to make any alteration to any premises which would make it impossible to comply with any condition(s) contained within this premises licence, the premises licence holder shall make application to the Licensing Authority to vary the licence and shall submit with that application a new operating schedule which shall include details of the steps which will be taken to promote the licensing objective to which the condition(s) applies.

(Note! This condition could apply to any of the four licensing objectives.)

See also CD3

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risk. Any special effects or mechanical installation should be used or stored so as to minimise any risk to the safety of the audience, the performers and staff. A list of special effects is listed below, this is not a definitive list and there may be others that fall within this category:-

- *Dry ice machines and cryogenic fog.*
- *Pyrotechnics including fireworks*
- *Firearms*
- *Smoke machines and fog generators.*
- *Real flames*
- *Motor vehicles*
- *Strobe lighting (See HSE Guide, The Radiation of Safety Lasers used for display purposes [HS(G)95] and BS 60825: Safety of Laser products*
- *Explosives and highly inflammable substances.*

In certain circumstances, it may be necessary to require that certain special effects are only used with prior notification to the Licensing Authority (Council) and/or inspection by the Fire Service.

Suggested conditions

PS48 No smoking or naked flames shall be permitted on any part of the stage during any entertainment unless that use has been notified to the Licensing Authority and is provided in accordance any guidance given by the Cumbria Fire Service.

PS49 No explosive, liquefied petroleum gas or any other highly flammable materials shall be used or stored on the premises unless notified to the Council and is used and stored in accordance any guidance given by the Cumbria Fire Service.

PS50 No fireworks or pyrotechnics shall be used on the premises nor shall anything to take place or to be provided on the premises which makes or causes or may make or cause any unusual risk of fire or the production of artificial smoke or fog or which may present any other danger to any person unless notified to the Council and is used and stored accordance any guidance given by the Cumbria Fire Service.

PS51 Lasers shall only be used on the premises where they are operated by a person or persons who are expert in their use and in accordance with the requirements for the safe use of lasers as set down in the HSE Guide, The Radiation of Safety Lasers Used for Display Purposes [HS (G)95] and BS 60825: Safety of Laser products British Standard 4803: part 3.

PS52 No strobe light shall be used in premises unless a notice which can be clearly seen and easily read by the public that warning strobe lights are in use in the premises is displayed at each entrance to the premises.

Conditions which are generally specific to theatres, cinemas, concert halls and similar places (promotion of public safety)

Premises used for closely seated audiences

Attendants

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, consideration may be given to the use of conditions that ensure that during the whole time the public are in the premises there are sufficient competent attendants present who have been instructed as to their essential responsibilities in the event of a fire or other emergency and account should be taken of the attendance of disabled persons and children:

Suggested conditions.

PS53 *In any closely seated auditorium, there shall be in attendance the number of attendants as set out in the table below and those attendants shall be instructed as to their essential responsibilities in the event of a fire or other emergency and account shall be taken of the attendance of disabled persons and children. Details of such instructions shall be recorded in a logbook kept for that purpose.*

<i>Number of Members of an Audience present on a floor</i>	<i>Number of attendants</i>
<i>1 to 100</i>	<i>1</i>
<i>101 to 250</i>	<i>2</i>
<i>Plus one additional attendant for each additional 250 or part of 250 members of the audience present.</i>	
<i>Except where most of the audience are aged below 16 years when the number of attendants shall be on the lower floor, for</i>	
<i>1 to 50</i>	<i>1</i>
<i>51 to 100</i>	<i>2</i>
<i>Plus one additional attendant for each additional 100 or part of 100 members of the audience present</i>	
<i>and on any floor above the lower floor,</i>	
<i>1 to 25</i>	<i>1</i>
<i>26 to 50</i>	<i>2</i>
<i>Plus one additional attendant for each additional 50 or part of 50 members of the audience present.</i>	

Standing and sitting in gangways etc.

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, consideration should be given to conditions which prohibit the obstruction of gangways, exits stairways landings etc. by persons sitting or standing in those areas. However, there may be circumstances in which this would be permitted. (In such cases, the conditions could be amended to cater for this exception.) It should also be noted that whilst these conditions are generally specific to close seated audiences, they could also be used for other premises where they are considered to be relevant.

Suggested conditions

PS54 **No person shall sit on any floor within the premises.** *(Exceptions to this requirement may be written into the condition).*

PS55 **No Standing or waiting shall be permitted in (any area) or (except in the following areas*).** *(*Specify the area(s), if any, in which standing or waiting is permitted.)*

**P 56 In no circumstances shall any person be allowed to:
sit in any gangway,
stand or sit in front of any exit,
stand or sit on any staircase including any landing.**

Balcony fronts

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, consideration should be given to conditions which prevent persons placing clothing or other objects over balcony rails or on balcony fronts. This will prevent the possibility of objects falling onto persons below.

PS57 No item of clothing or any other objects shall be placed over balcony rails on upon balcony fronts.

Safety curtain

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, then, where the stage is not an open stage, consideration should be given to the requirement for safety curtains to be fitted to separate the audience from the stage so as to protect them from the effects of a fire, smoke, falling debris, scenery and props. Where it is considered that it is not possible that a safety curtain can be fitted because of the structure of the building then the use of non-combustible curtains could be considered. Consideration should also be given to conditions that define the provision and use of such curtains.

Suggested conditions

PS 58 There shall be provided a safety curtain, which shall be of robust construction, made of non-combustible materials or inherently or durably treated flame-retardant fabric and shall be able to withstand damage caused by scenery, properties or falling debris. It shall: -

- a) be of sufficient strength and stiffness to resist the pressure of air likely to be caused by fire in the stage area without distorting to an extent which would cause its withdrawal from its retaining guides;
- b) provide an adequate seal against the passage of smoke between the stage area and the audience;
- c) be able to withstand the effects of fire for a sufficient period of time to allow the complete evacuation of the building; and
- d) be capable of closing within 30 seconds.

PS59 The curtain shall have the words "Safety Curtain" displayed on it in a conspicuous position where it are clearly visible to the audience from all parts of the auditorium.

PS60 The curtain and curtain guides shall be protected by a manually released drencher system arranged to spray the stage face of the curtain with water and to keep the curtain and its guides cool in the event of fire. There shall be provided a clearly indicated duplicated hand release gear

to lower the curtain and operate the curtain drencher system. One of which shall be situated on the stage side of the curtain and the other on the audience side in a position where it is easily accessible to the fire service and authorised staff.

Alternatively,

PS61 There shall be provided curtains between the stage and the audience, which shall be of robust construction, made of non-combustible materials or inherently or durably treated flame-retardant fabric and shall be able to withstand damage caused by scenery, properties or falling debris. It shall: -

- a) provide an adequate seal against the passage of smoke between the stage area and the audience;
- b) be able to withstand the effects of fire for a sufficient period of time to allow the complete evacuation of the building; and
- c) be capable of closing within 30 seconds.

PS62 The curtains shall have the words "Safety Curtain" displayed on them in a conspicuous position where it are clearly visible to the audience from all parts of the auditorium.

Ceilings

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, it is considered that conditions should be in place to ensure that the ceiling in any part of the premises to which the audience are admitted is in good condition and suitable for use.

Suggested conditions.

PS63 All ceilings in those parts of the premises to which the audience are admitted should be inspected by a person who is suitably qualified and competent to do so. That person shall issue a certificate as to the condition of the ceiling, the date by which a further such inspection shall take place. A copy of that certificate shall be forwarded to the Council on completion. Such inspections shall take place at intervals of not less than five years.

(Note. It may be that only ceilings in specific areas within premises require inspection and certification. In those cases details of the specific ceilings should be incorporated into the condition.)

Scenery and Decorations

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, conditions relating to manufacture, composition and fire retardancy of scenery and decorations may be appropriate.

Suggested conditions

PS63a All scenery, wings, borders, cloths, draperies, gauze cloths, properties, hangings and curtains on the stage or in the auditorium or any other part of the licensed area of the premises shall be either of inherently flame retardant material or rendered or maintained in that condition. Highly inflammable or readily ignitable materials such as paper, celluloid and cotton wool shall not be used.

PS63B Provisions shall be made to allow an Officer of the Cumbria Fire Service at any reasonable time to test any item to ensure that it is inherently flame retardant material or rendered or maintained in that condition and where requested produce a certificate of compliance.

Seating

In certain premises where the existing legislation does not adequately provide for the safety of persons attending those premises, conditions relating to the position, numbers and fixings of seats should be considered. In auditoriums where permanent provision is made for closely seated audiences, all seating should be fixed to the floor, the only exception being chairs in boxes or where seating is provided for the disabled who are using wheelchairs. Temporary seating needs to be installed in accordance with the appropriate guidelines and in all cases in stepped tiers seating should be fixed to the floor.

Suggested conditions

PS64 Where the audience is seated around tables, the seating need not be fixed but both tables and chairs shall be arranged so that gangways are clearly identifiable and unobstructed.

PS65 Where less than 250 temporary seats are to be used, then unless the seats are in boxes which cannot accommodate more than eight persons or in other areas which have been approved, chairs or single seats shall be secured together in lengths of not less than four seats and not more than twelve seats.

PS66 Where more than 250 temporary seats are to be used, then unless the seats are in boxes which cannot accommodate more than eight persons or in other areas which have been approved, chairs or single seats shall:

- a) be secured together in lengths of not less than four seats and not more than twelve seats;**
- b) and the end seats of each row shall be fixed to the floor;**
- c) where this is not possible they may be fixed to floor bars and where floor bars are used, they shall not be more than 25mm in height and shall have a cambered top surface.**

Drinks

See conditions CD10 to CD12

Special effects

See conditions PS48 to PS52

PREMISES USED FOR FILM EXHIBITIONS

Attendants at premises where there is not in place a system of communications with staff

In premises where there is not in place a system of alerting staff and the existing legislation does not adequately provide for the safety of persons attending those premises, consideration may be given to the use of conditions that ensure that during the whole time the public are in the premises there are sufficient competent attendants present who have been instructed as to their essential responsibilities in the event of a fire or other emergency and account should be taken of the attendance of disabled persons and children. Also when considering conditions the number of individual auditorium and floors in premises should be taken into account and the number of attendants required in those individual auditorium or floors. Special consideration may also be given to where the audience is below 16 years of age.

Suggested conditions

PS67 Where there is not in place in the premises a system of alerting staff, there shall be in attendance the number of attendants as set out in the table below and those attendants shall be instructed as to their essential responsibilities in the event of a fire or other emergency and account shall be taken of the attendance of disabled persons and children. Details of such instructions shall be recorded in a logbook kept for that purpose.

<i>Number of Members of an Auditorium present on the premises (or in any auditorium, or on any floor or tier)</i>	<i>Minimum number of attendants on duty on the premises (or in any auditorium, or on any floor or tier).</i>
1 to 250	1
<i>Plus one additional attendant for each additional 250 or part of 250 members of the audience present. Plus,</i>	
<i>Also consider the following</i>	
<i>Where there are less than 100 members of the audience present in any auditorium, or on any floor or tier there shall be present in that auditorium on that floor or tier one additional attendant and;</i>	
<i>Where there are more than 100 members of the audience present in any auditorium, or on any floor or tier there shall be present in that auditorium on that floor or tier two additional attendants.</i>	

See also condition **PS68**

Attendants at premises where there is in place a system for communications with staff.

In premises where there is in place a system of alerting with staff and the existing legislation does not adequately provide for the safety of persons attending those premises, consideration may be given to the use of conditions that ensure that during the whole time the public are in the premises there are sufficient competent attendants present who have been instructed as to their essential responsibilities in the event of a fire or other emergency and account should be taken of the attendance of disabled persons and children. Also when considering conditions the number of individual auditorium and floors in premises should be taken into account and the number of attendants required in those individual auditorium or floors. Special consideration may also be given to where the audience is below 16 years of age (see PS63).

Suggested conditions

PS68

- (a) Where there is in place in the premises a system for alerting staff, there shall be in attendance the number of attendants as set out in the table below and those attendants shall be instructed as to their essential responsibilities in the event of a fire or other emergency and account shall be taken of the attendance of disabled persons and children. Details of such instructions shall be recorded in a logbook kept for that purpose.

Number of Members of an Audience present on the premises (or in any individual auditorium, or on any floor or tier).	Minimum number of attendants on duty on the premises (or in any individual auditorium, or on any floor or tier).	Minimum number of other staff on the premises who are able to assist in the event of a fire or other emergency.
1 to 500	Two	One
501 to 100	Three	Two
1001 to 1500	Four	Four
1501 to 2000	Five	Five
Over 2000	One for each additional 500 (or part thereof) of persons on the premises (or in any individual auditorium, or on any floor or tier).	One for each additional 500 (or part thereof) of persons on the premises.

- (b) For the purposes of part (a) of this condition, staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall, as far as is 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 public have access.
- (d) The staff alerting system shall be maintained in good working order at all times and checks shall be carried out on the system not less than once per month to check its efficiency. A record of such checks shall be recorded in a logbook kept for that purpose.

See also condition PS65

Audience under 16 years

In certain premises where most of the audience is under 16 years of age, and the existing legislation does not adequately provide for the safety of persons attending those premises, consideration may be given to the use of conditions that ensure that during the whole time the public are in the premises persons who under 16 years of age there are sufficient competent attendants present who have been instructed as to their essential responsibilities in the event of a fire or other emergency.

Suggested conditions

PS69 Where the audience in any floor, tier or auditorium consists mainly of unaccompanied persons under 16 years of age there shall be in attendance the number of adult attendants as set out in the table below and those attendants shall be instructed as to their essential responsibilities in the event of a fire or other emergency and account shall be taken of the attendance of disabled persons and children. Details of such instructions shall be recorded in a logbook kept for that purpose.

<i>Number of Members of an Audience present on the premises (or in any auditorium, or on any floor or tier)</i>	<i>Minimum number of attendants on duty on the premises (or in any auditorium, or on any floor or tier).</i>
1 to 50	1

Plus one additional attendant for each additional 50 or part of 50 members of the audience present. Plus, one additional attendant where the audience is seated above the lowest floor of the premises

(Note it may also be necessary to include a requirement for an attendant to be in the vicinity of the exit(s) from the premises, floor, auditorium etc.)

Minimum lighting

In certain premises where existing legislation does not adequately provide for the provision of safe lighting levels within the individual auditorium in premises, consideration may be given to the use of conditions that ensure that during the whole time the public are on the premises appropriate lighting levels are maintained.

Suggested conditions

PS70 The level of lighting in any auditorium during the showing of films shall be maintained at a level which complies with the standards set out in BS CP 1007 (Maintained lighting for cinemas).

(Note, where this standard is not considered to be satisfactory, the appropriate amendment should be made to the condition).

Flammable films

In certain premises where existing legislation does not adequately provide adequately for the use or storage of flammable films on the premises, consideration may be given to the use of conditions that ensure that any proposals for such storage or use shall be notified to the Council and The Fire Service in writing and where authorised such use or storage shall be in accordance with the directions of the Chief Fire Officer.

Suggested conditions.

PS71 No storage or use of flammable film shall take place on the premises without the written authority of the Licensing Authority. Where such authority is required, written notice shall be served on the Council and the Chief Fire Officer for the District not less than 28 days before such use or storage is required. The directions of the Chief Fire Officer shall be complied with where such storage or use is approved.

Sample conditions relating to the Prevention of public nuisance

It should be noted that the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, there are provisions within the Licensing Act 2003 to enable a Senior Police Officer to close licenced premises and premises carrying on temporary permitted activities immediately where those premises are causing nuisance from noise. Also, under the Anti Social Behaviour Act 2003, the Police have powers to shut premises where there is serious nuisance or disorder.

General

When considering the need to impose conditions to prevent public nuisance on individual premises, attention should be paid to the risk assessments for those premises which may highlight the need for individual conditions which are not contained within this Pool. It will be necessary to consider a range of factors including the nature and style of the venue (premises), the activities being conducted there, the location of the premises and the anticipated clientele. Local knowledge may also be a factor when recommending conditions.

Hours of opening.

Except where they are protected by the transitional provisions of the Licensing Act 2003, the hours during which premises are permitted to be open to the public can be restricted by conditions imposed on the premises licence or club premises certificate for the purposes of preventing a public nuisance. However, this must be balanced by the potential impact on disorder, which results from artificially early fixed closing times.

It may be that time restrictions could be considered necessary on certain licensable activities whilst other licensable activities are permitted. For example the playing of amplified music may be prohibited after a certain time but other licensable activities may continue to be permitted.

It may also be necessary that restrictions are placed on parts of the premises which may be used for certain licensable activities at certain times. For example, regulated entertainment may be permitted whilst the premises is open to the public or members and their guests but that such entertainment might not be permitted in garden areas after a certain time.

Conditions relating to hours will be drafted specifically to individual premises and it is therefore not possible to provide a condition which will address all premises.

Noise and Vibration

In certain premises where existing legislation does not adequately provide adequately for the prevention of public nuisance from premises, consideration may be given to the use of conditions that ensure that:

- 1. Noise of vibration does not emanate from the premises so as to cause a nuisance to properties in the vicinity of the premises. This may be achieved by requiring doors and windows to be kept closed and/or by the use of noise limiters on amplification equipment used on the premises. Consideration may also be given to imposing a limit on the level of noise which is permitted to come from the premises which would be based on the normal noise levels for surrounding premises.*
- 2. That notices which are clear and easy to read are placed at all exits where they can be seen by the public pointing out the needs of local residents and the need to leave the premises and the area quietly.*
- 3. Restricting the use of explosives, pyrotechnics or fireworks of a similar nature which could cause a disturbance to residents in the surrounding area, and*
- 4. That the placing of refuse, in particular, items which will cause a noise when disposed of, for example bottles be restricted to times at which they will minimise any disturbance to residents in the area of the premises.*

Suggested conditions

PPN 1

No nuisance shall be caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

PPN 2

All doors and windows on the premises shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

PPN 3

Where regulated entertainment is provided by way of amplified equipment, an automatic device that is capable of switching off that equipment when it reaches a pre-set noise limit shall be provided.

(The limit for the equipment would have to be specified)

PPN 4

The noise level from the premises whilst being used for public entertainments purposes shall not exceed (insert limit) measured at any point (insert location).

PPN 5

There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices pointing out the needs of local residents and the need to leave the premises and the area quietly. *(note, this may also include reference to vehicles).*

PPN 6

No explosive, firework or pyrotechnic shall be discharged in or from the premises which may cause a disturbance to the local area. Unless notice of the proposed event has been served on the Council, the Chief Fire Officer, the Environmental Health Officer and the Chief Police Officer not less than 28 days before the proposed date of any such event. Any such event shall be conducted in accordance with conditions or restrictions required by the Chief Fire Officer, the Environmental Health Officer and the Chief Police Officer.

PPN 7

No refuse shall be disposed of from the premises into a receptacle where such disposal is likely to cause a disturbance to residents in the area of the premises at any time between 9.00 p.m. and 8.00 a.m. on any day except Sunday when no such disposal shall take place before 10.00 a.m. *Except that this condition shall not apply to the disposal of refuse which is likely to cause a health hazard if not disposed of immediately, in which case, the refuse shall be disposed of in such a way as to minimise the noise caused by such disposal.*

NOXIOUS SMELLS

In certain premises where existing legislation does not adequately provide for the prevention of public nuisance from premises, consideration may be given to the use of conditions that ensure that.

Noxious, nasty or unpleasant smells from licensed premises are not permitted so as to cause a nuisance to nearby premises and that the premises are properly vented.

Suggested conditions

PPN 8

There shall be no emission from the premises of any noxious, nasty or unpleasant smells which are likely to cause a nuisance to nearby premises to cause a nuisance to nearby premises.

PPN 9

Where there are any noxious, nasty or unpleasant smells created on the premises which are likely to cause a nuisance to nearby premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance.

WASTE MATERIALS

In certain premises where existing legislation does not adequately provide for the prevention of public nuisance from premises, consideration may be given to the use of conditions that ensure that:

The disposal of waste materials produced by the premises under the provisions of any licensable activity are carried out in such a manner that litter is limited and access to waste foodstuffs by vermin and vagrants is reduced.

Suggested conditions

PPN 10

There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed and maintained so that access to them by vermin and unauthorised persons is prevented.

PPN 11

Where the premises provide food to the public for consumption on or off the premises they shall provide at or near the point of sale, sufficient receptacles to enable the disposal of waste food, food containers, wrapping etc.

PPN 12

Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall also be constructed and maintained so that access to it by vermin and unauthorised persons is prevented.

LIGHT POLLUTION

In certain premises where existing legislation does not adequately provide for the prevention of public nuisance from premises, consideration may be given to the use of conditions that ensure that:

Flashing or particularly bright lights on or outside licenced premises do not cause a nuisance to nearby premises. Any such condition needs to be balanced against the benefit to the prevention of crime and disorder of bright or security lighting in certain areas.

Suggested condition

PPN 13

No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises. (Except that this condition shall not apply where that light is provided for the security of the premises and is activated by a security system or is required for any purpose in connection with the prevention of crime or disorder). (Note. The use for Crime and Disorder purposes would need to be specified in the condition).

Sample conditions relating to the Protection of children from harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- *for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:*
 - *explain their reasons; and*
 - *outline in detail the steps that they intend to take to protect children from harm on such premises.*

Suggested condition

PCH1

No person under the age of 18 years shall be permitted on the premises when they are being used for the purposes of the supply of alcohol and/or the provision of regulated entertainment.

- *For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:*
 - *explain their reasons; and*
 - *outline in detail the steps that they intend to take to protect children from harm on such premises.*

Suggested Condition

PCH 2

No person under the age of 12 years, unless they are accompanied by a person over 18 years, shall be permitted on the premises at any time between 10.00 p.m. and 7.00 a.m. when the premises are being used for the purposes of a licensable activity other than the supply of alcohol.

- *in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.*

Suggested Condition

PCH 3

Where any person under 18 years is on any premises where a licensable activity is taking place, all steps shall be taken to ensure that such a person is protected from harm whilst on the premises.

Age Restrictions – specific.

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider: -

- *the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;*

- *types of event or activity in respect of which no age restrictions may be needed, for example;*

family entertainment; or

non-alcohol events for young age groups, such as under 18s dances;

- *Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example:*

during “Happy Hours” or on drinks promotion nights;

during activities outlined in the first bullet point in the paragraph above.

Suggested Condition

PCH 4

No person under the age of (specify age) shall be permitted on the premises between the hours of (specify hours, days).

Note. This condition may have to be tailored to cater for instances where only specific parts of premises are considered to be unsuitable for persons under a specific age to be present.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

A condition that where the Council itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to Council that it intends to exhibit 28 days before it is proposed to show it. This is to

allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;

Suggested Condition.

PCH 5

Where any film has not been classified by a film Classification body then such film shall be submitted to the Licensing authority not less than 28 days before it is proposed to show it to enable the Authority to classify it and attach age restrictions where appropriate.

A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:

U – Universal. Suitable for audiences aged four years and over,

PG – Parental Guidance. Some scenes may be unsuitable for young children,

12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

15 – Passed only for viewing by persons aged 15 years and over,

18 – Passed only for viewing by persons aged 18 years and over.

Suggested Condition

PCH 6

No film shall be shown at the premises unless it has been classified by the film classification body or by the Council and only the following classifications shall be allowed:

U – Universal. Suitable for audiences aged four years and over,

PG – Parental Guidance. Some scenes may be unsuitable for young children,

12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

15 – Passed only for viewing by persons aged 15 years and over,

18 – Passed only for viewing by persons aged 18 years and over.

- *That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as*

regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

Suggested Condition

PCH 7

Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

- *A condition that when a Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:*

Where a programme includes a film recommended by the Council as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

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

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.

Suggested Condition

PCH 8

Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

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

(For the purposes of clarity, Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This

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

Theatres

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

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

Suggested Conditions

PCH 9

Where any entertainment is to be provided at the premises which contains material of an adult nature, no person under the age of [Insert age] shall be admitted to those premises.

PCH 10

Where the audience is made up of mainly unaccompanied children under the age of [insert age], there shall be on duty sufficient adult staff to ensure the safe evacuation of those children in the case of a fire or any other emergency.

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

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

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Suggested conditions

See Conditions PS 53 and PS 69.

PCH 11.

Where unaccompanied children are present on the premises then if those children are on a floor or tier which is above the ground floor of the premises no standing shall be allowed at any time during a performance.

Children in performances

*There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. **The Children (Performances) Regulations***

1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – *the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.*
- **Fire safety** – *all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.*
- **Special effects** – *it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.*
- **Care of children** – *theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.*

Suggested Conditions

PCH 12

Where any premises is to be used for a performance which includes the participation of children, there shall be provided backstage, accommodation sufficiently large enough for the safety of those children.

PCH 13

Where any premises is to be used for a performance which includes the participation of children, then, all persons involved in any way in the production of that performance or in the chaperoning of the children or in relation to safety shall be fully trained in all procedures relating to the fires or any other emergency before the children are allowed on the premises. Details of such training shall be recorded in writing in a logbook kept for that purpose.

PCH 14

Where any premises are to be used for any performance which includes the participation of children. The use of special effects including the smoke, dry ice, lasers, rapid pulsating or flashing lights shall not be permitted unless a full written risk assessment of their use taking particular regard to the presence of children has been completed and their use is in accordance with that risk assessment and any other guidelines which may apply.

PCH 15

Where any premises are to be used for any performance which includes the participation of children. Such children shall at all times when they are on the premises remain under the supervision of an adult.

PCH 16

Where any premises are to be used for any performance which includes the participation of children. A written list shall be kept of all children on the premises. That list shall contain the full details of each child, a record of the time at which they entered the premises and a time at which they left the premises. That list shall be retained in the possession of a responsible adult at all times when children are on the premises and shall be immediately available to a member of the emergency services following any evacuation of the premise as a result of a fire, emergency or for any other reason.

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

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website <http://www.portman-group.org.uk/> in the trade press and in an annual report.

If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the

decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

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

Suggested Conditions

PCH 12(a)

*(Where any premises is used for the sale by retail of alcohol) **The premises licence holder and the designated premises supervisor shall at all times comply with the Portman Group Code of Practice and with the requirements or recommendations of any Portman Group Retailer Alert Bulletin.***

PCH 12(b)

*(Where any premises is used for the supply of alcohol on behalf of a club or to the order of a member of the club) **The Committee shall at all times comply with the Portman Group Code of Practice and with the requirements or recommendations of any Portman Group Retailer Alert Bulletin.***

Proof of Age cards

Proof of age cards are discussed in connection with the prevention of crime and disorder objective. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement

only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

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

Please see conditions CD 19and CD 20

APPENDIX 6 - Useful documents for reference

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 25804
- The Guide to Safety at Sports Grounds (The Stationery Office 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances (Independent Street Arts Network – www.streetartsnetwork.org.uk/pages/publications.htm.)