

**POOL OF MODEL CONDITIONS**  
**LICENSING ACT 2003**

**Mandatory conditions**

1 Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2 Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

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

3 Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

- (b) in respect of premises in relation to-
  - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
  - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Crime and Disorder**

### **4 Text/Radio Pagers.**

The Licensee will join the Pubwatch scheme operating in the area and will ensure that

- The text/pager equipment is kept in working order at all times
- The pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public
- Any police instructions/directions are complied with whenever given, and
- All instances of crime and disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point

### **5 Door Supervisors.**

Where the condition is imposed on the provision of door supervisors the following may also be applied depending upon the circumstances affecting the premise

- (a) The Licensee will employ sufficient registered door staff to deal with any likely contingency.
- (b) Any employed door staff will wear a name badge as identification.
- (c) Each door supervisor will carry proof of his/her registration with the Security Industry Authority.
- (d) Door supervisors will be stationed at a location either inside or outside the premises and at times to be determined by the licensee as being appropriate but the Licensing Authority would expect such staff to be provided.
- (e) If Door supervisors are required to undertake body searches then at least one female supervisor should be available to undertake the body searches of female customers.

- (f) Where door supervisors are required the Licensee will keep records showing the names of the supervisor and the date/time that they were employed.

6 Bottle bans

The licensee will ensure that:

- (a) No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
- (b) No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (**Note:** this will not include those customers carrying sealed bottles for the purposes of consumption off the premises).

An exception to these conditions will be bottles containing wine sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

7 Plastic containers and toughened glass

The licensee will ensure that only plastic or toughened glass containers will be used for the supply of beverages.

8 CCTV

The licensee will ensure that CCTV is installed following advice from the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice.

9 Open containers not be taken from premises

The licensee will ensure that no customers shall take glasses or open bottles from the premises.

10 Restrictions on drinking areas

The licensee will ensure that no alcoholic drinks will be consumed in the area marked (in red) on the plan (numbered.....) whilst activity is taking place.

11 Proof of age cards

The licensee shall introduce a policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 18. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

12 Crime prevention notices

The licensee will ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and leaving property unattended. The licensee will be directed over the provision of such notices by the Police crime prevention officer.

13 Drinks promotions

The licensee will not introduce or carry on any irresponsible sales promotion or discounting of prices of alcoholic beverages.

14 Signage

The licensee will ensure that:

- (a) A sign indicating the normal hours during licensable activities are permitted to take place to be displayed on or immediately outside the premises.
- (b) Any restrictions of the admission of children to be displayed on or immediately outside the premises.

15 High Volume Vertical Drinking establishments (HVVD's)

The licensee will ensure the adherence to

- A prescribed capacity
- An appropriate ratio of tables and chairs to customers based on the capacity
- The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit

16 Drugs

The licensee will adopt the Leicestershire Constabulary's drugs policy.

17 Trading Late

The licensee will adopt the Leicestershire Constabulary's searching policy and conditions of entry.

The licensee will adopt the Leicestershire Constabulary's risk assessment policy in respect of events.

## Conditions relating to public safety (including fire safety)

### 18 Disabled people

The licensee will ensure that

- (a) When disabled people are present adequate arrangements exist to enable their safe evacuation in the event of an emergency.
- (b) Disabled people on the premises are made aware of those arrangements.

### 19 Escape routes

The licensee will ensure the proper maintenance of all escape routes and exits including external exits. This will require that such exits are kept unobstructed, in good order with non slippery and even surfaces, free of trip` hazards and clearly identified. In premises where chairs and tables are provided all internal gangways must be kept unobstructed.

The licensee will ensure that

- (a) All exit doors are easily openable without the use of a key, card, code or similar means.
- (b) Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of such checks are kept.
- (c) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- (d) All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
- (e) Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- (f) The edges of the treads of steps and stairways are maintained so as to be conspicuous.

### 20 Safety checks

The licensee will ensure

- (a) That safety checks are carried out before the admission of the public.
- (b) Details of such checks are kept in a log book.

21 Curtains, hangings, decorations and upholstery

The licensee will ensure that

- (a) Hangings, curtains and temporary decorations are maintained in a flame retardant condition.
- (b) Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990.
- (c) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire fighting equipment.
- (d) Temporary decorations are not used without a review of the Fire risk assessment and prior notification to the Licensing Authority.

22 Accommodation limits

The licensee will ensure that any capacity limit imposed under this licence/certificate is not exceeded.

The person responsible for the day to day management of the premises should be aware of the number of people on those premises and required to inform any authorised person on request.

23 Fire action notices

The licensee will ensure that notices detailing the actions to be taken in the event of fire or other emergencies including how the fire brigade are summoned are prominently displayed and protected from damage and deterioration.

24 Outbreaks of fire

The licensee will ensure that the Fire Brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

25 Loss of water

The licensee will ensure that the local fire control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

26 Access for emergency vehicles

The licensee will ensure that access for emergency vehicles is kept clear and free from obstruction.

27 First aid

The licensee will ensure that

- (a) Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- (b) If necessary, at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

28 Lighting

The licensee will ensure that

- (a) In the absence of adequate daylight the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- (b) Fire safety signs are adequately illuminated.
- (c) Emergency lighting is not altered.
- (d) Emergency lighting batteries are fully charged before the admission of public, members or guests.
- (e) In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being recharged; and, if the emergency lighting battery has a capacity of 3 hours, the appropriate period by the end of which the public should have left the premises is one hour.

29 Temporary electrical installations

The licensee will ensure that

- (a) Temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician.
- (b) Temporary electrical wiring and distribution system shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- (c) Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

30 Indoor sports entertainments

The licensee will ensure that

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

31 Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to the public safety in question.

32 Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience and performers and staff.

Special effects which should be considered include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers



- Explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the licensing authority.

**Conditions relating to theatres, cinemas, concert halls and similar places (promotion of public safety)**

**Premises used for closely seated audiences**

33 Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below.

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
1-100	1
101-250	2
251-500	3
501-750	4
751-1000	5
And one additional attendant for each additional 250 (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

34 Standing and sitting in gangways

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstance shall anyone be permitted to
- (i) Sit in any gangway
  - (ii) Stand or sit in front of any exit, or
  - (iii) Stand or sit on any staircase including any landings

35 Drinks

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

36 Balcony fronts

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

37 Special effects

Any special effects or mechanical installation shall be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE guide “the radiation safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of Laser Products)
- Explosives and highly flammable substances

In certain circumstances it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] fire authority.

38 Scenery

Any scenery should be maintained as being flame retardant.

39 Safety curtain

Where a safety curtain is provided it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for some sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material inherently or durably treated flame retardant fabric.

40 Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide whether a further inspection would be necessary and a certificate concerning the conditions of the ceilings forwarded to the Licensing Authority.

41 Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

**Premises used for film exhibitions**

42 Attendance – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below.

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

43 Attendance – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below.

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>	<b>Minimum number of other staff on the premises who are available to assist in the event of an emergency</b>
1-500	2	1
501-1000	3	2
1001-1500	4	4
1501 or more	5 plus one for every 500 (or part thereof) persons over 2000 on the premises	5 plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) The holder of the premises licence or the manager on duty at the premises or
  - (ii) A member of staff whose normal duties or responsibilities are likely to significantly effect or delay his response in an emergency situation
  - (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 reasonably practicable, be evenly distributed throughout all parts of the premises to which the public have access and keep under observations all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

#### 44 Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the stands specified in BS CP1007(maintained lighting for cinemas).

#### 45 Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

**Conditions relating to prevention of public nuisance**

46 Hours

- (a) Any appropriate restrictions on opening hours
- (b) Any appropriate restrictions when certain licensable activities can take place
- (c) Any appropriate restrictions on parts of the premises that might be used for certain licensable activities at certain times.

47 Noise

- (a) Noise impact assessment of the licensed activities at the premises must be carried out to the satisfaction of the licensing authority. Proposed steps to prevent noise must, if necessary, also be submitted for inclusion within the operating schedule.
- (b) The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below:

*For example*

Activity	Control
<i>Playing of amplified, pre-recorded music</i>	<i>Music shall only be played in the main function suite and shall go on no later than 23.30</i>

- (i) A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. Once set such a device should be inaccessible to the licensee or her staff.
- (ii) All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place. Ventilation or air conditioning may be required in warm weather.
- (iii) The [*doors / windows*] at [*specify*] shall be fitted with [*double /secondary*] glazing in order to improve the sound attenuation of the premises.
- (iv) No music or speech shall be relayed via external speakers other than for events with the prior approval of the licensing authority.
- (vi) A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
- (vii) A scheme of soundproofing the [*relevant parts*] of the premises must be agreed with the licensing authority and the work completed to the licensing authorities satisfaction.

(viii) [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the licensing authority.

(ix) An alarm shall be fitted to [all external windows / fire doors] which alerts staff when [they / it] are opened without authorisation.

(x) The specification, location and orientation of all permanently fixed speakers shall be agreed with the licensing authority.

(xi) No fireworks or other pyrotechnics shall be used other than with the prior consent of the licensing authority.

(xii) Noise from the premises shall not result in exceedences of the following noise levels expressed as [*x minute Laeq*] at [*stated location*];

Frequency Range	From a hours to b hours	From y hours to z hours
[ <i>Whole range</i> ]	<i>x dBA</i>	<i>y dBA</i>
[ <i>63Hz octave band</i> ]	<i>x dBA</i>	<i>y dBA</i>
[ <i>125 Hz octave band</i> ]	<i>x dBA</i>	<i>y dBA</i>

(xiii) Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting customers to respect the needs of local residents and leave the premises and the area quietly.

(xiv) The [*garden / patio*] must not be used by customers after the hours of xx.xx.

(xv) The car park must be securely locked to prevent access to customers cars between xx.xx and yy.yy. Larger car parks to be managed to prevent disturbance particularly when they are adjacent to residential premises.

(xvi) Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between xx.xx and yy.yy

(xvii) Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between xx.xx and yy.yy.

(xviii) Staff must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

(xix) The licensee or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

(xx) No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.

(xxi) The [*car park/ garden*] shall be managed to ensure that it is not used for [*ball games /skateboarding/ other noisy recreational activities*].

(xxii) Acoustic screens/enclosures to be used to prevent the spread of noise from equipment.

(xxiii) External plant to be properly maintained to prevent mechanical deterioration.

#### 48 Litter and Waste

An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority.

Such collections should also be carried out at reasonable hours of the day.

The licensee shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.

#### 49 Lighting

Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the local Police force to prevent crime and disorder.

#### 50 Noxious smells

The licensee shall endeavour to ensure that there are no noxious smells emitted from the licensed premise so as to cause a nuisance to nearby properties and that the licensed premise is properly vented.

### **Conditions relating to the protection of children from harm**

#### **Access for children to licensed premises – in general**

51 Children under the age of 18 years shall not be permitted to licensed premises where there has been a known association (having been presented with evidence) with or likely to give rise to:

Heavy or binge or under age drinking  
Drugs  
Significant gambling

Any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature

- 52 No child under the age of 12 shall be allowed in a premise unaccompanied by an adult after 11.00pm in the evening in cases where that premise, is not serving alcohol for consumption on the premises, but where the public are allowed on that premises after that time.

### **Age restrictions – specific**

- 53 The hours of the day during which age restrictions should and should not apply.
- 54 Types of event or activity in respect of which no age restrictions may be needed
- 55 Types of event or activity which give rise to a more acute need for age restrictions than normal.

### **Age restrictions – cinemas**

- 56 Films should be classified in the following way:

U – Universal. Suitable for audiences age 4 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.

- 57 The licensee must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

### **Theatres – performances especially for children**

- 58 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.

In cases of an event involving a significant number of unaccompanied children, the licensee should have a child protection policy in place to carry out suitable checks on staff before they take up employment.



## **Children in performances**

59 In addition to the requirements of the Children (Performances) Regulations 1968, as amended the licensee shall ensure that with regard to the:-

venue – the back stage facility 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 in the case of 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 or anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

## **The Portman Group: practice on the naming, packaging and promotion of alcoholic drinks**

The Portman Group was set up in 1989 by the UK's leading drinks producers and its purpose is

- To promote responsible drinking
- To help prevent misuse of alcohol
- To encourage responsible marketing
- To foster a balanced understanding of alcohol related issues.

60 The licensee shall comply with the Portman Group's retailer alert bulletins.

For more information of such Bulletins access the Portman Group's website on [www.portman-group.org.uk/codeofpractice/63.asp](http://www.portman-group.org.uk/codeofpractice/63.asp) or contact the Group on 020 7907 3700 or by writing to the Portman Group, 7-10 Chandos Street, London, W16 9DG.