

## Licensing Act 2003

### Pool of Model Conditions

When deciding to grant or vary a premises licence under the Licensing Act 2003, the Licensing Authority may do so subject to conditions which it considers are appropriate for the promotion of the licensing objectives.

In carrying out its licensing functions the Council must have regard to Guidance issued under the Act by the Secretary of State. Revised Guidance states that conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Licensing Authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstance of an individual licensed premises and determined on a case by case basis.

Conditions to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and be translated to form part of the operating schedule for the premises.

It is not anticipated that all of these conditions will be attached to every licence, but only those where it is reasonable and proportionate to do so to promote one or more of the licensing objectives.

This pool of model conditions has been produced to assist applicants and existing licence holders through the application process.

Once an application has been made responsible authorities and other persons are encouraged to engage with the applicant if they are considering making a representation to the application. This pool of model conditions has been produced to assist all parties and to promote a consistent approach when proposing conditions on a premises licence.

This pool of conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor would it restrict a licensing committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.

Also included, for information is a list of the current Mandatory conditions prescribed by the Licensing Act 2003.

## Conditions Relating To Crime and Disorder

SH9	CCTV	<p>A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation.</p> <p>CCTV will be capable of providing pictures of <b>evidential quality</b> in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.</p> <p>There will be a minimum of 31 days recording. The system will record for 24 hours a day.</p> <p>The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer. The Digital Recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.</p> <p>There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24 hours or less if urgently required for investigation of serious crime.</p>
SB7	Training Records	<p>Training records, signed by both the staff member and the Designated premise Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.</p>
SA9	Refusals Book	<p>The Business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.</p>
SI3	Incident Book	<p>The Business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premise Supervisor/store Manager/Business Owner will check and sign each page and the incident book will be made available to the Licensing Authority and/or Responsible Authorities upon request.</p>
SC2	Door Supervisors	<p>On Friday and Saturday nights when licensable activities continue after midnight, there shall be a minimum of 2 (two) door supervisors on duty from 21:00 hours until closing.</p>
SI2	Glasses	<p>Polycarbonate/plastic or toughened glasses will be used for alcohol both inside and outside the licensed premises.</p>
SI6	Open Containers	<p>Alcohol shall not be removed from the designated licensed area in open containers.</p>
S58	Notices	<p>There will be a minimum of two notices displayed on the premises indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.</p>

SB3	Intoxicating Liquor	Intoxicating liquor shall not be sold or supplied at the premise otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal. However, an exception is made for a maximum of 20 people to consume alcoholic drinks without a table meal in the front/bar area of the premise at any given time.
SF9	SBV Products	All products containing an ABV of 37.5% (i.e. vodka and other spirit drinks) or over shall be displayed for sale only behind a service/till counter.
	Restaurant Only	<p>The premises shall only operate as a restaurant;</p> <ul style="list-style-type: none"> <li>• In which customers are shown to their table,</li> <li>• Where the supply of alcohol is by waiter or waitress service only</li> <li>• Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery</li> <li>• Which do not provide any take away service of food or drink for immediate consumption</li> <li>• Which do not provide any take away service of food and drink after 23:00 hours</li> </ul> <p>Notwithstanding the above, alcohol may be supplied and consumed in the bar area (designated on the plan) by up to a maximum at any one time, of 10 persons without a table meal.</p>
	Outside Drinking	The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan. Shall be by waiter or waitress service, served only to a person seated taking substantial table meal there and for consumption by such a person as ancillary to their meal.

## Conditions Relating To Public Safety

V25	Fire Action Notices	Printed notices shall be prominently displayed in the premises detailing the essential steps what 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.
V28	Exits and Escape Routes	All exits and escape routes from the premises shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises.
V30	First Aid	There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
V31	First Aid	At all times when the public are present, at least one person 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.
V99	Fire Fighting Equipment	Firefighting equipment shall be maintained in satisfactory working order
VF5	Emergency Lighting	The emergency lighting system, fire alarm system and fire fighting equipment shall be maintained in satisfactory working order.

## Conditions Relating To Public Nuisance

W11	Noise & Vibration	A noise limiting device shall be provided to cover all sound systems which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order.
WCI	Lobby Area	All windows and doors shall be kept closed when Regulated Entertainment is being provided except in the event of an emergency. A lobby area shall be provided to all external doors. A double door leading to the smoking area with an independent ventilated space shall prevent the escape of music from the premises and smoke ingress. Self-closing devices shall be provided to the doors to ensure they remain in the closed position whilst not in use.
WFD	Live Music	Any Regulated Entertainment within the premises after 23:00 hours shall be played at background level only OR a noise limiting device shall be provided to cover all sound systems which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be used and maintained in good working order. (The chosen option is to be agreed in writing)
WCU	Noise Checks	The licence holder or his representative shall conduct periodic assessments of the noise coming from the premises when used for Regulated Entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year and available for inspection by a Responsible Authority.
WJQ	Noise	Use appropriate management controls as part of a noise strategy to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)
WEZ	Interrupt Relay Supply	An interrupt relay system shall be fitted to the fire doors which in the event of a fire door being opened during a regulated event will interrupt the power to the electrical supply used to power the music system. The relay system to the fire doors shall be maintained in good working order.
W73	Music	Any music played within the premises shall be at background level only and shall not cause a noise disturbance at the adjacent residential properties.
WJM	Opening Hours	The opening hours shall be restricted to between XX:XX hours and XX:XX hours to ensure that adjacent premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.
WPQ	Smoking Area	Use appropriate management controls to reduce the likelihood of customers causing disturbance to residential premises in the vicinity when using the external areas for smoking. Food and drink shall not be consumed by customers in the smoking area. The doors leading to the smoking area shall be provided with self-closing devices to ensure they remain in the closed position whilst not in use. There shall be no music played in the smoking area, and no use of flood lighting likely to cause a nuisance to local residential properties. The smoking shelter shall comply with the requirements of the Health Act 2006 and The Smokefree (Premises and Enforcement) Regulations 2006. The smoking area shall be maintained without a cover so as not to be enclosed or substantially enclosed

WHP	External Seating / Smoking Area	The use of the ( <i>insert location</i> ) by customers consuming food and drinks shall be limited from XX:XX hours and XX:XX hours. There shall be no music played externally, and no use of artificial heating or lighting likely to cause a nuisance to residential premises in the vicinity. After XX:XX hours the ( <i>insert location</i> ) shall be used by customers to smoke only and no drinks are to be taken outside.
W32	Waste Materials	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, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
WBF	Noise Disturbance	Deliveries to the premises and the disposal of refuse such as bottles shall occur at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
WDA	Event Planning	Each event involving Regulated Entertainment shall have event planning documentation which shall be available upon request to any officer of the "Responsible Authorities". It shall contain all contact details of appropriate management staff, details of noise assessments made, periodic assessment details, the time and date of the checks, the person making them and the results including any remedial action and contractors used for that event. All records shall be retained for one year.
WDM	Major Event Notification	The management shall liaise with nearby residences in order to inform them prior to any major event of the date/dates of such. An emergency number will be made available and a log of any complaints made shall be maintained and be made available for inspection by officers of the Responsible Authorities, together with a record of measures taken to resolve any reasonable concerns regarding the use of the premises for the licensable activities.
WA6	Noise Levels	For all events the entertainment noise level shall not exceed 65Laeq (15 minutes) measured at one metre from the façade of any noise sensitive premises. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year and made available for inspection by any Responsible Authority.
WA7	Sound Pressure Levels	For any events the sound pressure level in the 63 and 125Hz frequency bands shall not exceed 70dB measured one metre from the façade of any noise sensitive properties. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year and made available for inspection by any Responsible Authority.
WR2	Hirers	All hirers of the premises shall be fully briefed on the terms and conditions of the hire agreement including the conditions of this licence.
W36	Light Pollution	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.

## Conditions Relating To The Protection Of Children From Harm

XGO	Challenge 25 Policy	A "Challenge 25" policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at all points of sale and at all entrances and exits to inform customers and remind staff that the premises is operating a "Challenge 25" Policy.
XW5	Evidence of Age	The only acceptable evidence of age will be a valid photo identification confirming the purchasers age, namely a passport, photo driving licence or PASS approved proof of age card such as a Validate Card or Citizen Card.
XY2	Digital Colour CCTV	A digital, colour CCTV system covering the point of sale area will be maintained in operation at all times when the premises is trading and open to members of the public.
XGV	Staff Training	All staff will be fully trained in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales) persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 25" policy. Staff will receive refresher training at least every six months.
XGF	Training Records	Training records, signed by both the staff member and the Designated Premises Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every six months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.
XT9	Refusals Book	The business will maintain a refusals book to record all instances where the sale of age restricted products have been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated premises Supervisor and/or the Premises Licence Holder will check and sign each page and the refusals book shall be made available to enforcement Agencies and/or Responsible Authorities on request.
XDN	Children Under 18	Children under the age of 18 years shall be accompanied by a responsible parent/guardian. No children will be allowed to remain in the premises beyond 21:00 hours.

## Section 19 – Licensing Act 2003

### Mandatory Condition – Authorising The Supply of Alcohol

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

1. 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Mandatory Conditions (Alcohol Sales For Consumption On The Premises)

#### Minimum Retail Price Of Alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
 where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Irresponsible Promotions**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

## **Potable Water**

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

## **Age Verification Policy**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

## Quantities For Sale Of Certain Alcoholic Drinks

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

**Mandatory Conditions**  
**(Alcohol Sales For Consumption Off The Premises)**

**Minimum Retail Price Of Alcohol**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
 where—
    - (iv) P is the permitted price,
    - (v) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (vi) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (iv) the holder of the premises licence,
    - (v) the designated premises supervisor (if any) in respect of such a licence, or
    - (vi) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Age Verification Policy**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - a. a holographic mark, or
  - b. an ultraviolet feature.

**Section 20 – Licensing Act 2003**  
**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 (authority to determine suitability of video works for classification).

**Section 21 – Licensing Act 2003**  
**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
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
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 (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 which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) 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

## **Section 25A – Licensing Act 2003**

### **Mandatory Condition – Supply of Alcohol From Community Premises**

Where a management committee of community premises makes an application under section 17 of the Licensing Act 2003 for a premises licence authorising the supply of alcohol, the application may include an application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3).

In this section “the alternative licence condition” is the condition that:-

1. Every supply of alcohol under the premises licence must be made or authorised by the management committee.

## **Section 73 – Licensing Act 2003**

### **Mandatory Conditions – Certificate Authorising Supply Of Alcohol For Consumption Off The Premises**

A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions.

1. The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
2. The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
3. The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.