



# Statement of Licensing Policy

## Licensing Act 2003

**Date of implementation: TBC**

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# Mid Devon District Council - Statement of Licensing Policy

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# 1. Introduction

- 1.1 Mid Devon District Council has a duty to administer and enforce the Licensing Act 2003 (the “Act”) which gives local authorities responsibility for licensing the sale and supply of alcohol, regulated entertainment and the provision of late night refreshment.
- 1.2 The Act requires that Licensing Authorities publish a Statement of Licensing Policy for their area to guide them when considering licence applications and controlling licensed premises. This Statement of Licensing Policy is produced in response to this requirement and applies to all applications, notices, representations and requests we receive under the Act. The Policy also aims to provide guidance to applicants, objectors and interested residents, businesses and the wider community about the approach we will take as the Licensing Authority. It has been the subject of consultation with local bodies, organisations and residents. A list of consultees is provided within the policy itself.
- 1.3 Mid Devon District Council’s original policy was published in 2005 and was subsequently reviewed every 3 years, as required by the legislation at that time. Since then changes to the Act mean that licensing authorities are now required to review their statements of Licensing Policy every 5 years. This is the fourth review of this Policy by Mid Devon District Council.
- 1.4 This Policy Statement will come into force on **(TBC)**.
- 1.5 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the latest version of Home Office Guidance issued under section 182 of the Act.

## 2. Background

### Purpose and Scope of the Licensing Policy

- 2.1 This Statement of Licensing Policy is produced in response to the requirements of Section 5 of the Act. It aims to ensure a consistent approach to licensing within Mid Devon. The policy will assist officers and members in reaching a decision on a particular application or licence, setting out those matters that will normally be taken into account. In addition, the Policy seeks to provide clarity for applicants, licence holders, residents, and businesses to enable them to understand the objectives being promoted and the matters that will be considered when determining licences.
- 2.2 In carrying out its licensing function the Licensing Authority must promote the following four licensing objectives:
- The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
  - The protection of children from harm
- 2.3 For the purposes of this Policy, Mid Devon District Council is the Licensing Authority and is referred to as the “Licensing Authority”, unless otherwise stated.
- 2.4 This Policy covers a wide range of licensable activities under the Act and these are as follows:
- Retail sale of alcohol
  - Supply of alcohol to club members
  - Provision of entertainment to the public or club members or with a view to making profit, including raising money for charity, where the entertainment involves:
    - A theatrical performance
    - Film exhibition

- Indoor sporting event
  - Boxing or Wrestling
  - Live music
  - Recorded music
  - A performance of dance
- Supply of hot food or drink from premises between 23:00 and 05:00 (the provision of late night refreshment)
- 2.5 The scope of the policy includes new applications, variations (including transfers and changes of designated premises supervisors), notices and existing licences. Nothing in this policy will prevent a person from making an application under the Act and each application will be determined on its own individual merits.
- 2.6 This Policy sets out the vision for the regulation of licensed premises throughout Mid Devon and outlines the standards expected to ensure the promotion of the four licensing objectives.
- 2.7 The Licensing Authority may depart from the Policy if it considers that doing so would benefit the promotion of the Licensing Objectives. Reasons will be given for any such departure from the general policy. However, it is expected that any such departure would be likely only in exceptional circumstances.

### Profile of Mid Devon

- 2.8 Mid Devon District Council is a rural council, lying inland within Devon. The Council covers an area of 352 square miles (913 square kilometres). The district boasts a high quality natural environment, bordering Dartmoor and Exmoor National Parks and the Blackdown Hills Area of Outstanding Natural Beauty.
- 2.9 With an approximate population of 79,200, the district is one of the most sparsely populated local authorities within England and Wales, comprising approximately 32,750 households.
- 2.10 There are three main market towns in the district. Tiverton is the largest of these with a population of approximately 22,177 and Cullompton and Crediton are the other two, having populations of approximately 9,245 and 7,872 respectively.

2.11 At the time of writing this policy, the Licensing Authority has responsibility for regulating:

- 1,175 Personal Licences
- 286 Premises Licence (with alcohol)
- 63 Premises Licences (without alcohol)
- 39 Club Premises Certificates (with alcohol)
- 373 temporary event notices (average annual figure over 3 years)



## Consultation and Policy Timeline

2.12 In preparing this Policy the Licensing Authority has consulted the following:

- The Chief Officer of Police
- Devon and Somerset Fire and Rescue Service
- Director of Public Health (Devon DAAT)



- Devon County Council - Local Safeguarding Children's Board
- Weights and Measures (Trading Standards)
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Town and Parish Councils within Mid Devon
- Health and Safety Executive
- Mid Devon District Council - Environmental Health Services
- Mid Devon District Council - Planning Services
- Home Office
- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of local businesses and residents in the area

2.13 This consultation was carried out between XXXX and XXXX.

2.14 Proper weight has been given to the views of organisations and individuals consulted prior to implementing this Policy.

2.15 This Policy was formally adopted by the Council on XXXX and will remain in force for a maximum period of five years. It will then be subject to review and further consultation. The Authority may revise the Policy at any time during the five year period if it considers it appropriate to do so and will consult on any substantial revisions to the Policy.

### 3. The licensing function

#### Purpose

- 3.1 The purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying clubs and temporary events. The authority is keen to foster a safe and vibrant leisure economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community.
- 3.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a “cure all” for solving all problems within the community. The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council’s Environmental Health Department, the Community Safety Partnership, local businesses and local people towards the promotion of the objectives as outlined.

#### Delegation of Functions

- 3.3 The powers of the Licensing Authority under the Act may be carried out by the authority’s Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10 and 15 elected members of the Council and will establish sub committees consisting of 3 members of the committee. The Council’s delegation of functions follow the Home Office Guidance issued under Section 182 of the Licensing Act.
- 3.4 Many of the licensing procedures will be largely administrative and un-contentious. In the interests of efficiency and effectiveness officers will generally carry these out.
- 3.5 In situations where representations have been made and an agreement has been reached between all relevant parties to amend the application (i.e. to add conditions) the Licensing Authority reserves the right to not hold a hearing and issue the licence as per the agreement (in such situations the application will be considered ‘uncontested’). This will only be done when the proposed amendments promote the licensing objectives and consideration will be given to the potential for any party to be disadvantaged.
- 3.6 A list of delegations is available below:

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for minor variation of premises licence/club premises certificate			All cases
Application to vary designated premises supervisor		If a police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection made	All other cases
Applications for interim authorities		If a police objection made	All other cases
Application to review premises licence/club premises certificate		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 relevant authority considering the application			All cases
Determination of an objection to a temporary event notice		All cases (except addition of conditions)	Addition of conditions consistent with existing Licence
Determination of application to vary premises licence for community premises to include alternative licence condition		If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Suspension of premises licence/club premises certificate for non-payment of annual fee			All cases
Review of Statement of Licensing Policy	All cases (Full Council)		
Implementation of a Late Night Levy	All cases (Full Council)		
Creation of an Early Morning Restriction Order	All cases (Full Council)		

## Related Legislation, Policies and Guidance

- 3.7 When making licensing decisions, the licensing authority will comply with all relevant legislation and have regard to a number of strategies, policies and guidance documents. This includes:

### Legislation

- Section 17 Crime and Disorder Act 1998
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974
- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Regulations
- Regulatory Reform (Fire Safety) Order 2005
- Town and Country Planning Act 1990
- Private Security Industry Act 2001
- Violent Crime Reduction Act 2006
- Police Reform and Social Responsibility Act 2011

### Strategies

- Current East and Mid Devon Community Safety Strategy
- Current Government alcohol strategy
- Current Mid Devon Corporate Plan

### Policies / Codes of Practice

- Regulators' Compliance Code (BIS)
- Mid Devon District Council's Enforcement Policy
- Local Transport Plan

### Guidance

- Guidance issued under s.182 of the Licensing Act 2003 (Home Office)
- Guidance to Health and Safety at Outdoor Events (Purple Book)

- Licensed Property: Noise Control (British Beer and Pub Association)
- Guidance on running events safely (HSE website)
- Managing work-related violence in licensed and retail premises (HSE)
- Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- Home Office Guide to Safer Clubbing
- Any guidance / policy produced by the Council in relation to noise nuisance
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

3.8 There are some other notable pieces of legislation and these are as follows:

Gambling Act 2005

3.9 The provision of gaming machines and certain forms of low-stakes gambling (i.e. poker and bingo) are permitted in alcohol-licensed premises and qualifying clubs under the Gambling Act 2005. The type of gambling allowed, stakes and prizes are specified in regulations and are set at levels which are designed to keep this form of gaming a low-risk, sociable activity. Generally, such gaming should be ancillary to the primary use of the premises. The Authority may take action against a premise where it believes that gaming is becoming the dominant activity or is having a detrimental effect on the licensing objectives.

3.10 The Council has adopted a Gambling Act Policy which stands separate from this Licensing Policy. The Policy may be viewed on the licensing webpages of Mid Devon District Council.

Health Act 2006

3.11 The introduction of the Health Act 2006 which prohibited smoking in enclosed or substantially enclosed spaces in England has had a significant impact on alcohol-licensed premises and qualifying clubs. In many premises, customers wishing to smoke must do so in beer gardens, outdoor patio areas or in the street. This can result in noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The Authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives.

### Sexual Entertainment Venues

- 3.12 Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not affected by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 3.13 In almost all cases where a performance of dance is potentially licensable as both the provision of *relevant* entertainment (under the 1982 Act) and *regulated* entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments.
- 3.14 However, the Licensing Act 2003 will permit the holder of a premises licence to carry out relevant entertainment where the premises are not licensed as a sex entertainment venue under the 1982 Act if:
- The relevant entertainment has only been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.
- 3.15 The Council has an adopted Sex Establishment Policy which stands separate from this Licensing Policy.

### Promotion of Equality

- 3.16 This policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Actions of the Licensing Authority will be undertaken with due regard to equality obligations and where necessary, information will be published at least annually by the Council.

## Integrating Strategies and Avoiding Duplication

3.17 This Policy supports the following elements of the Council's Corporate Plan:

### Economy

- Business development and growth
- Improving and regenerating our town centres
- Growing the tourism sector

### Community

- Working with local communities to encourage them to support themselves
- Working with town and parish councils
- Increasing activity and promoting health and wellbeing

### Environment

- Protecting the natural environment

3.18 The Authority recognises that unnecessary and over-burdensome regulation can prevent businesses from thriving and growing. The Authority will therefore endeavour to regulate licensed premises in a proportionate manner in accordance with the Regulators' Compliance Code. Premises will be assessed on the basis of risk to the promotion of the licensing objectives and inspections will only be carried out when and if they are judged to be necessary.

3.19 The Authority will endeavour to ensure that this Statement of Licensing Policy is aligned with and supports local crime prevention, planning, transport, tourism and cultural strategies. To this end, the Authority will work closely with other agencies and will contribute, where appropriate, to the development of policies and initiatives to tackle alcohol-related crime and disorder.

### Planning

3.20 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

3.21 The Licensing Authority recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or

granted by the planning authority. However the grant of a licence under the Act does not remove the need for applicants to obtain all the necessary planning consents. It should also be noted that grant of a licence in no way means that any planning application would also be granted and vice versa.

- 3.22 It is strongly recommended that prospective applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It makes operational sense to ensure that planning and licensing are compatible.
- 3.23 Where, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of planning permission (and vice versa where the licensing hours finish earlier than the planning permission).

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## 4. The licensing process

### General

- 4.1 Application forms may be downloaded from the Authority's licensing webpages. Applicants are strongly recommended to discuss their application with a member of the Licensing Team prior to formal submission. The Authority may reject applications which have not been completed correctly or contain insufficient information.
- 4.2 Applications, notices or relevant representations shall be treated as having been "given" to the Authority in accordance with the principles of "deemed service" as set out in the Civil Procedure Rules.
- 4.3 The Act requires that applications for premises licences / club premises certificates are advertised in accordance with regulations. The Authority will need to be satisfied that the applicant has complied fully with these regulations and may request copies of notices and advertisements to verify that the application has been properly made. If an application has not been correctly advertised, the Authority may reject the application. Further guidance on advertising applications is available on the Licensing Act 2003 pages available on the Authority's website.
- 4.4 When determining applications the Licensing Authority will have regard to this policy, the Act and Section 182 Guidance. Each application will be considered on its own individual merits.
- 4.5 Applicants should make themselves aware of the relevant sections of this policy, in particular the issues that will need to be addressed in formulating the operating schedule and offering appropriate conditions. In order to assist with this, the Licensing Authority has created two documents of note, a 'Pool of conditions' (Appendix C) and a 'Code of Practice for Licensed Premises' (Appendix D).
- 4.6 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.
- 4.7 Applicants should consider the benefits of exceeding their statutory consultation requirements by proactively seeking the views of parties on the application and proposed licensable activities. This includes proactively liaising with local residents, local ward Councillors, businesses and responsible authorities.

## Regulated entertainment exemptions and de-regulations

- 4.8 Since the introduction of the Act, the Government has de-regulated various types of regulated entertainment. Applicants are advised to consult the government's website for further information:

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

- 4.9 When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance constitutes regulated entertainment or not. If in doubt, organisers of events should check with the Licensing Authority.

## New and full variation process

- 4.10 The procedure for making a new application and changes to an existing Premises Licences or Club Premise Certificates are very similar. Both involve the same advertising procedure, a 28 day consultation period and the application is determined by the Licensing Sub-Committee if relevant representations are received. If no relevant representations are received then the application is automatically granted at the end of the consultation period.

- 4.11 In brief, applicants must:

- Submit a completed application on the prescribed application form to Mid Devon District Council with the required fee and a plan of the premises of 1:100 scale (unless agreed otherwise). The application form must include an Operating Schedule.
- Submit an entire copy of the application to all responsible authorities at the same time as the application is submitted to the Licensing Authority. *NB. If applicants chose to submit the application electronically they are not required to submit copies to the responsible authorities.*
- Advertise the application in a prominent position at or on the premises on a pale blue coloured notice of at least A4 size with a minimum font size of 16, for not less than 28 consecutive days starting on the day following the day on which the application was submitted to the Licensing Authority.

- Advertise the application within 10 working days (starting on the day following the day on which the application was submitted to the Licensing Authority) in a local newspaper circulating in the Mid Devon area.
- If the application includes the retail or supply of alcohol, the consent of the individual Personal Licence holder who wishes to be the Designated Premises Supervisor (DPS) is required with the application.

4.12 The application will be advertised on Mid Devon District Council's website.

4.13 All applicants for the grant or variation of a Premises Licence or Club Premises Certificate are expected to demonstrate within their Operating Schedules how they intend to promote each of the four licensing objectives. The proposals included in the Operating Schedule will form the main body of conditions to be applied to the licence or certificate (if granted).

### Beer gardens or other outdoor spaces

4.14 Applicants should consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is treated as taking place where the alcohol is appropriated to the contract. This means that where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer, this would be treated as an off-sale and any conditions that relate to off-sales would apply.

4.15 In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence, assuming the licence authorises the sale of alcohol for consumption off the premises. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

4.16 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

## Mobile, Remote, Internet and Other Delivery Sales

- 4.17 The Licensing Authority shall have due regard to sales of alcohol which are made remotely, by mobile methods, internet or by other delivery sales.
- 4.18 The expectation of the Licensing Authority is that conditions suggested by way of operating schedules for these types of activities should be extremely robust. If new applications are made or existing premises are looking to extend into this area they should seek advice from the Licensing Authority or the police as it might be appropriate for provisions in the operating schedule for age verification and restriction of delivery times and quantities.

## Vessels

- 4.19 The Licensing Authority will give particular weight to the views of the British Waterways Board when considering applications for premises licences in respect of vessels. Where, in the opinion of the Licensing Authority, if its discretion is engaged and any of the four objectives are undermined and cannot be resolved through the imposition of conditions, the application may be refused.

## Minor Variation process

- 4.20 Small changes to a Premises Licence or Club Premises Certificate that will not impact adversely on the licensing objectives can be dealt with via the 'Minor Variation' process which is a scaled down version of the full variation process detailed above, with a reduced fee.
- 4.21 We expect that the process will be used for changes such as:
- Small changes to the structure or layout of a premises;
  - Additional authorisations required for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions);
  - Small changes to licensing hours (see below for changes that relate to alcohol);
  - Revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

4.22 Minor variation applications will not apply to:

- Substantial changes to the premises;
- Varying the Designed Premises Supervisor;
- Authorising the sale by retail of alcohol;
- Authorising the supply of alcohol at any time between 23:00 and 07:00 hours;
- Authorising an increase in the amount of time on any day during which alcohol may be sold by retail.

4.23 In brief, applicants must:

- Submit a completed application on the prescribed application form to Mid Devon District Council with the required fee. If you are applying for a variation to the layout of your premises, you must include a revised plan of the premises of 1:100 scale (unless agreed otherwise).
- Advertise the application in a prominent position at or on the premises on a white notice of at least A4 size with a minimum font size of 32 for the header and 16 for the content, for not less than 10 working days starting on the day following the day on which the application was submitted to the Licensing Authority.

4.24 On receipt of a minor variation application, the Licensing Authority will consider the application and consult the relevant responsible authorities as it considers appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the Licensing Authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

4.25 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused but the fee returned. However, in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

- 4.26 Applications that have been rejected under the minor variations process can then be the subject of a full variation application or a revised minor variation application. The refusal of a minor variation does not affect or pre-determine any subsequent variation application in respect of the same premises.

### Personal Licence process

- 4.27 Any premises licensed for the sale of alcohol must specify a Designated Premises Supervisor (DPS). This person must be a Personal Licence holder. In order to obtain a Personal Licence, the applicant must:
- Be aged 18 or over
  - Submit a completed application on the prescribed application form to Mid Devon District Council with the required fee.
  - Possess a licensing qualification accredited by the Secretary of State
  - Not have forfeited a Personal Licence within 5 years of his/her application
  - Produce a satisfactory 'Basic Disclosure' from the Disclosure and Barring Service (DBS), or the results of a subject access search of the police national computer by the National Identification Service (this check must be no more than one month old at the time of application)
  - Not have an objection notice from the Police about the grant of a Personal Licence following notification of any unspent relevant offence or foreign offence; OR must show that such an offence should not lead to refusal on crime prevention grounds
- 4.28 Photographs submitted with the application must be clearly endorsed on the reverse side with the person's name, date of birth and contact number in order to ensure they are correctly processed.
- 4.29 Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intention to apply for a Licence with the Police and Licensing Authority before making an application.
- 4.30 There is no longer a requirement to renew a Personal Licence and the Licence is portable, although changes of name and home address or updates to photos must be notified to the issuing Licensing Authority for a prescribed fee.

## Temporary Event Notices (TENs)

- 4.31 The Act sets out the legal requirements relating to TENs. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use a premises for one or more licensable activities during a period not exceeding 168 hours. They can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.
- 4.32 A TEN is typically used to:
- Authorise a licensable activity at a premises not currently licensed - e.g. selling alcohol at a fete
  - Temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
  - Provide for licensable activities not authorised by the existing licence
- 4.33 The organiser must submit a TEN to the Licensing Authority and where this TEN is submitted in writing, it is the responsibility of the notice giver to ensure that a copy is sent to the Police and Environmental Health as stipulated in the Act. Where a TEN has been submitted electronically copies of it will be forwarded to the Police and Environmental Health by the Licensing Authority.
- 4.34 The TEN must normally be submitted 10 clear working days' before the proposed event. This does not include the date of submission, the date of the event, weekends or bank holidays. It is recommended that TENs are submitted to the authority at least 28 days prior to the event to allow sufficient time for the organiser to liaise with relevant council officers and responsible authorities to ensure the event takes place with minimum problems.
- 4.35 Where relevant representations are received from the Police or Environmental Health, the matter will be referred to the Licensing Sub-Committee for a decision as to whether or not the event can take place. Where representations relate purely to the addition of conditions to the TEN which are consistent with an existing Premises Licence, a statement of conditions will be issued with the TEN without the need for a Licensing Sub-Committee hearing, unless the applicant disagrees.
- 4.36 Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Licensing Authority, must also be sent by the notice giver to the Police and the Council's Environmental Health Section.

- 4.37 It should be noted that in case of any relevant objections to a late TEN a counter notice will be served and the event cannot take place.

### **Large Scale Public Events**

- 4.38 The Council strongly recommend that organisers of large scale public events (for example outdoor music concerts and beer festivals) consult the Safety Advisory Group (SAG) at the earliest opportunity to discuss arrangements for the licensing of those activities. This will help to ensure that they can obtain expert advice on how best to minimise the risk of injury and public nuisance.
- 4.39 The application may involve the preparation of a substantial Event Management Plan which may take some time to complete. We recommend applicants engage with the SAG process a minimum of 3 months prior to the proposed event starting date.

### **Disapplication of Certain Mandatory Conditions for Community Premises**

- 4.40 An amendment to the Act allows certain community premises which have or are applying for a premises licence that authorises alcohol sales to also apply to include the 'alternative licence condition' instead of the usual mandatory conditions in sections 19(2) and 19(3) of the Act (requirement for a DPS and for alcohol sales to be made or authorised by a personal licence holder). Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises.
- 4.41 Where it is not clear whether premises are community premises, the Licensing Authority will approach the matter on a case by case basis. The main consideration will be how the premises are predominantly used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition.

### **Licence Reviews**

- 4.42 A Responsible Authority and any other person can, at any time following the grant of a premises licence or club premises certificate, apply to the Licensing Authority to review the licence/certificate because of concerns arising at the premises which may



have an adverse impact on any of the licensing objectives. The Authority regards this as a valuable protection for residents and businesses.

4.43 Following receipt of a review application, a 28 day consultation period will begin. The application will then be determined by the Licensing Sub-Committee who will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available to the Licensing Authority include:

- Take no further action
- Issue a warning to the licence holder
- Modify the conditions of the Premises Licence
- Exclude a licensable activity from the scope of the Licence
- Remove the Designated Premises Supervisor
- Suspend the Licence for up to 3 months
- Revoke the Licence

4.44 Any application for a review should be treated seriously. Responsible Authorities will aim to give licensees early warning of any concerns identified at a premises, and talk to the licence or certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. Similarly, those seeking reviews that are not a Responsible Authority are encouraged to take initial steps such as:

- Asking the Licensing Authority to talk to the licence holder on their behalf
- Asking their local MP or Councillor to speak to the licence holder on their behalf
- Talking to the relevant Responsible Authority (e.g. Environmental Health in relation to noise nuisance or the police in relation to crime and disorder) to establish whether there is other action(s) that can be taken to resolve the problem.

4.45 The review process is not intended as a means of challenging the grant of a licence following the failure of representations to persuade the Licensing Authority on an earlier occasion. No more than one review from a person other than a Responsible Authority will be entertained in relation to a particular premises within a period of twelve months on similar grounds, except in compelling circumstances (e.g. where new problems have arisen) or where it arises following a closure order made under s.160 or s.161 of the Act.

- 4.46 When considering a review of a premises licence or club premises certificate, the Authority will expect the applicants for the review to provide evidence of infringements of licensing regulations, failure to comply with licence conditions and/or of failure to promote the licensing objectives.
- 4.47 In cases of serious crime and disorder at premises, the Police may apply for a summary review. On receipt of such an application, the Authority has 48 hours to determine whether any interim steps are required. Further information about this process can be seen in S182 guidance.
- 4.48 Any person aggrieved by the decision of the Authority has the right of appeal to the Magistrates' Court. An appeal must be made within 21 days of the Licensing Authority's decision.

### Licensing Fees

- 4.49 Following amendments that came into force in October 2012, the Act requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.
- 4.50 It is the practice of this Authority to issue an invoice for annual fees approximately a month before the due date. Non-payment will then result in a suspension notice being served. Regulations state that the premises licence or club premises certificate holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.
- 4.51 No refund is payable for any withdrawn or refused application / notification. In accordance with the Act, the fee for a minor variation is refundable, but only when the application is not determined within the statutory time period.

### Late Night Levy (LNL)

- 4.52 A Late Night Levy (LNL) is an optional power available to Local Authorities to raise a contribution towards the costs of policing the night time economy. The power was introduced through the Police Reform and Social Responsibility Act and enables the authority to charge a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole of the local authority area and applies to all on and off licences. Temporary Event Notices are exempt.

- 4.53 A LNL would require that a levy be paid by those persons who are authorised to sell alcohol between the periods specified in the LNL (the late night supply period) regardless of whether they are actually open during that period. This can be no earlier than 00:00 hrs and no later than 06:00 hrs and must be the same period every day. The Licensing Authority has discretion to exempt certain premises - prescribed by regulations - from the levy and to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
- 4.54 At least 70% of the Levy must be paid to the Police and Crime Commissioner. The local authority's portion can be used to tackle alcohol related crime and disorder and to support management of the night time economy in line with the reduction of crime and disorder, promotion of public safety; prevention of public nuisance and street cleansing.
- 4.55 The implementation of a LNL is subject to public consultation and, if it is to be introduced, must be adopted at a meeting of the Council.
- 4.56 At the time of preparing this Policy, this authority has taken no decision and has no plans to implement a LNL but is aware that it is a power which it may use if it considers it appropriate for the promotion of the licensing objectives.
- 4.57 The authority will, however, consider the introduction of a LNL at any time if circumstances change and evidence supports this course of action.

### Early Morning Restrict Orders (EMROs)

- 4.58 Early Morning Restriction Orders (EMROs) enable a Licensing Authority to prohibit the sale of alcohol for a specified time period between 00:00 hrs and 06:00 hrs in the whole or part of its area if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 4.59 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which are not directly attributable to specific premises. Unlike the Late Night Levy there are no powers to charge a fee in connection with making an EMRO.
- 4.60 The decision to implement an EMRO must be evidence based. Evidence will be considered from partners including Responsible Authorities and the Community Safety Partnership alongside the authority's own evidence to determine whether an EMRO is appropriate for the promotion of the licensing objectives.

- 4.61 Measures that may be considered in advance of making an EMRO include:
- introducing a Cumulative Impact Policy
  - reviewing licences of specific problem premises
  - encouraging the creation of business-led practice schemes in the area
  - other mechanisms designed for controlling cumulative impact
  - encouraging licence or certificate holders to make variations with respect of hours for licensable activities.
- 4.62 The only exemptions relating to EMROs are premises which are authorised to sell alcohol between 00:00 hrs and 06:00 hrs on New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 4.63 At the time of preparing this Policy, this authority has taken no decision to introduce an EMRO but is aware that it is a power which it can use if it considers it appropriate for the promotion of the licensing objectives.

### Cumulative Impact

- 4.64 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. This should not however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 4.65 A cumulative impact assessment (CIA) may be published by a Licensing Authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 4.66 Section 5A of the 2003 Act sets out what a Licensing Authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons

listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a Licensing Authority must be summarised in its statement of licensing policy. Under section 5(6D) a Licensing Authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 4.67 The Licensing Authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community. This may result in the amenity of local residents being placed under severe pressure; it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.
- 4.68 Local Community Safety Partnerships and responsible authorities, such as the police and environmental health, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
  - statistics on local anti-social behaviour offences
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions
  - environmental health complaints, particularly in relation to litter and noise
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations
  - residents' questionnaires

- evidence from local and parish councillors
  - evidence obtained through local consultation.
- 4.69 The Licensing Authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
- trends in licence applications, particularly trends in applications by types of premises and terminal hours
  - changes in terminal hours of premises;
  - premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 4.70 If a CIA is published the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3).
- 4.71 Having published a CIA a Licensing Authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the Licensing Authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the Licensing Authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.
- 4.72 The Licensing Authority recognises that as well as the licensing function there are a number of mechanisms for addressing issues of unruly behaviour that occurs away from licensed premises. These include:
- planning control

- 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, including best practise schemes such as Best Bar None, Pubwatch or Business Improvement District
- Community Protection Notices
- the provision of CCTV surveillance in town centres, 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
- the confiscation of alcohol from adults and children in designated areas
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Raising a contribution to policing the late night economy through the Late Night Levy
- Early Morning Alcohol Restriction Orders

4.73 Additional information on CIA can be found in S182 guidance. This Authority has not published a CIA at the time of writing this policy.

### **Public Spaces Protection Order (PSPOs)**

4.74 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police.

4.75 At the time of preparing this policy, Mid Devon District Council have no PSPOs.

## Licensing register

- 4.76 The Act requires the Licensing Authority to keep a register containing a record of each premises licence, club premises certificate and personal licence issued, along with the temporary event notices received. Our register may be accessed online at the following link:

<https://www.middevon.gov.uk/business/licensing/online-licensing-register/>.

- 4.77 Alternatively, the register may be viewed at Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP during normal opening hours. It is recommended that any person wishing to view the register in person should contact the Licensing Team in advance to ensure that your request can be catered for at the time of visit.

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## 5. Responsible Authorities and Representations

### Responsible Authorities

- 5.1 Responsible Authorities are public bodies that must be notified of applications under the Licensing Act 2003. All Responsible Authorities are entitled to make representations in respect of grant, variation and review applications.
- 5.2 The Responsible Authorities are as follows:
- Licensing Authority, Mid Devon District Council
  - Environmental Health Services, Mid Devon District Council
  - Planning Services, Mid Devon District Council
  - Devon & Cornwall Constabulary
  - Devon Fire & Rescue Service
  - Local Safeguarding Children's Board, Devon County Council
  - Devon Trading Standards (Weights and Measures)
  - Health and Safety Executive
  - Director of Public Health (Devon DAAT)
  - Home Office (Alcohol Licensing Team)
- 5.3 Complete details for Responsible Authorities, including contact addresses is available in Appendix A.

### Licensing Authority

- 5.4 Section 103 of the Police Reform and Social Responsibility Act 2011 amended the Act by making the Licensing Authority a 'Responsible Authority'. This enables the authority to make representations about an application for a premises licence or club premises certificate or to apply for a review of a premises licence or a club premises certificate.
- 5.5 In cases where the authority is acting in its capacity as a Responsible Authority, it has established a clear separation of responsibilities within the authority's licensing team in order to ensure procedural fairness and to avoid potential conflict of interest.
- 5.6 The Licensing Authority is unlikely to make representations on behalf of other parties such as individuals, local councillors etc., as these persons can make representations in their own right. Similarly, the Licensing Authority will expect other Responsible Authorities to make representations on issues falling within their own remit. For

example, the Licensing Authority is unlikely to make representations purely based on crime and disorder as this falls within the remit of the Police.

## Other Persons

- 5.7 The Licensing Act 2003 allows any “other person” to make representations about a licensing application provided that it is relevant to one or more of the licensing objectives.
- 5.8 “Other persons” means any individual, body or business affected by the operation of licensed premises regardless of their geographical location. The term also includes local councillors who can make representations in their own right or on behalf of a named “other person”, such as a resident or local business if specifically requested to do so.

## Making Representations

- 5.9 When an application is made for the grant or the variation of a premises licence or club premises certificate a Responsible Authority under the Act or any other person may make a representation about the application.
- 5.10 Representations must be made to the authority in writing within the 28 day consultation period. For this purpose, a representation can be made using the form available on our website or by letter or e-mail.
- 5.11 Section 18(6) of the Licensing Act 2003 defines what constitutes a ‘relevant’ representation. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the following licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 5.12 There is nothing in the Act to say that a representation must be of a negative nature. The Act specifically refers to ‘representations’ rather than ‘objections’ recognising that representations may express positive support for an application. The authority will consider both positive and negative representations provided they are relevant.

- 5.13 Where no relevant representations are received, the application will be granted on the terms applied for. Where relevant representations are received, the application will be considered by a Licensing Sub Committee at a hearing as will any application to review a licence. The authority has established its own hearing procedures as provided for by regulations made under the Act and this is included as Appendix B.
- 5.14 Any party to a hearing may expand on their representation but may not introduce new or different representations.
- 5.15 Representations which are deemed by the authority to be repetitious, frivolous or vexatious will be disregarded.
- 5.16 Where relevant representations have been made against an application the Licensing Authority will normally try to see if any mediation is possible between the applicant and any objectors. The purpose of mediation is to allow each party to express their concerns or views in an attempt to come to an agreed position. A positive mediation result saves time and money as the Licensing Authority and parties involved may not have to attend a contested hearing before a licensing sub-committee.

### Anonymous Representations and petitions

- 5.17 The Licensing Authority cannot accept anonymous representations. Full details of all representations must be made available to the applicant, including names and addresses. However, in exceptional circumstances, a person wishing to make a representation may be reluctant to do so because of fears of intimidation or harassment if their personal details are disclosed.
- 5.18 Where the authority considers that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation, the authority may consider alternative approaches. For example, the authority may advise the individual to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations, if appropriate and justified.
- 5.19 Alternatively, the authority may advise the individual to request their local councillor make a representation on their behalf. Where appropriate, the authority may decide to withhold some or all of the person's details from the applicant. The authority will only withhold such details where the circumstances justify such action.
- 5.20 Persons making representations should be aware that their personal details will normally be disclosed during the hearing process.

- 5.21 Any petitions received will be treated as one representation from the person sending it in, supported by the other signatories. Petitions will not be treated as individual representations from everyone who has signed them.

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## 6. Decision Making

### Determining applications

- 6.1 Where relevant representations are received about an application, a hearing will be held unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary. Applicants and those making representations should seek in advance of any hearing to try and reach agreement or narrow the areas in dispute, particularly where both are professionally represented.
- 6.2 The authority has established its own hearing procedures as provided for by regulations made under the Act and this is included as Appendix B.
- 6.3 When determining a licence application, the overriding principle adopted by this authority will be that each application will be determined on its merits. The authority will have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems necessary to promote the licensing objectives. The authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The authority will give reasons for any such departure from policy.
- 6.4 The authority will expect applicants to demonstrate in their applications active steps for the promotion of the licensing objectives. When determining an application, a key consideration for the authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community. It might be that the applicant has considered all of this and decides that no measures will be appropriate to cover the promotion of one or more of the licensing objectives but that consideration will need to be made by the applicant.
- 6.5 The authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning.
- 6.6 Since the introduction of the Act, the authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The authority will expect applicants to have

particular regard to these issues and, if considered appropriate, to include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises.

- 6.7 When determining an application, the authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant will be disregarded. The authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the authority will consider their application or representation but may attach less weight to it.
- 6.8 It should be noted that, when determining an application, the authority is making a judgment about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.
- 6.9 Licence conditions will be tailored to the individual application and only those considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection, for example Health and safety at work, fire safety legislation etc.
- 6.10 The Licensing Authority will also take into account when making its decision that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour, especially once individuals have left licensed premises and are therefore beyond the direct control of licensees. However, when making a decision, the authority will focus on the direct impact of the activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 6.11 The 'need' or demand for a licensed premises of any kind or the commercial damage that competition from a new licensed premises would do to other licensed premises in an area will not be matters that the authority will consider when discharging its decision making function.
- 6.12 In the majority of hearings a summary of the decision will be given verbally on the day. A full written decision notice will be provided to the applicant and anyone who has made a relevant written representation within 5 working days of the hearing; this will include details on how to appeal a decision.

- 6.13 Any party to a hearing who is dissatisfied with the authority's decision may appeal to the Magistrates' Court. An appeal must be made within 21 days of formal notification of the decision.
- 6.14 In reaching a decision on whether or not to grant a licence, the Licensing Authority, if relevant representations are made, may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.

### Licensing hours

- 6.15 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or Other Persons on the basis of the licensing objectives.
- 6.16 In general, applications for licensed premises located in residential areas wishing to open beyond 23.00, and those operating a beer garden or outside area beyond 21:00, will be expected to have a higher standard of control included within their operating schedule to address any potential public nuisance issue.
- 6.17 Where representations are received, stricter conditions relating to noise control may be appropriate and necessary in sensitive locations such as residential areas.
- 6.18 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operational schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 6.19 In considering relevant representations, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case.

6.20 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Flexible licensing hours in relation to the sale of alcohol may therefore be considered as a potential means of reducing friction at late night food outlets, taxi ranks and other 'flashpoints' in areas where there have already been incidents of disorder and disturbance.

## Conditions

6.21 The Licensing Authority cannot impose conditions of its own volition. Conditions will only be attached in the following circumstances:

- Mandatory conditions under the Licensing Act 2003 or introduced by regulation under the Act which will have effect in all circumstances regardless of if they appear on the Licence
- If they are consistent with the applicant's operating schedule, or agreed/offered by the applicant during the application process
- When considered appropriate, reasonable and proportionate after relevant representations have been received and not withdrawn

6.22 Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a premises licence or club premises certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:

- be appropriate, reasonable and proportionate
- be enforceable
- not duplicate other statutory requirements
- be relevant to the particular type, location and character of the premises concerned
- not be standardised
- should be justifiable and capable of being met



- not replicate offences set out in the Act or in other legislation
  - be written in a prescriptive format
- 6.23 The Authority encourages applicants to seek technical advice from the appropriate responsible authorities when preparing their Operating Schedules as this will enable any problems to be resolved at an early stage and will reduce the likelihood of representations.
- 6.24 Experience has shown that many of the conditions volunteered by applicants are poorly worded, unclear or ambiguous and therefore unenforceable. As an aid to applicants, this authority has compiled a Pool of Conditions and this is Appendix C.
- 6.25 The Pool of Conditions is not intended to form an exclusive or exhaustive list of conditions which should be included on a licence or certificate. Applicants should consider offering conditions that are appropriate, necessary and proportionate in the circumstances of their particular application. Moreover, the pool does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor does it restrict the Council's Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives (after representations have been received to an application and by way of a hearing).
- 6.26 Any conditions offered in the Operating Schedule in wording that is not compliant with the principles outline above will be suitably reworded by the Licensing Authority.
- 6.27 The Authority will pay particular attention to the effect (or potential effect) of licensable activities on those living, working or otherwise engaged in the area concerned and, where relevant representations are received, may attach conditions if it considers it appropriate for the promotion of the licensing objectives.
- 6.28 Conditions attached by the Authority to Premises Licences and Club premises certificates will relate to matters falling within the control of individual licensees. It is recognised that the licensing function cannot be a mechanism for the control of disorderly behaviour by individuals once they are beyond the direct control of the licence holder. However, the Licensing Authority and Responsible Authorities may take action where it can be established that there is a clear linkage between disorderly behaviour and a specific premises.
- 6.29 The Authority will not impose inappropriate or over-burdensome conditions on licences. The Authority may, however, if its discretion is engaged, impose conditions

where existing legislation does not provide adequate controls and additional measures are considered to be appropriate for the promotion of the licensing objectives.

6.30 When determining the appropriate set of conditions the Licensing Authority will focus primarily on the individual style of the premises and the licensable activities proposed. Consideration should also be given to the following:

- The size, nature and style of operation
- Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested
- The cumulative effect of conditions in terms of cost and practical implementation
- The likely cost of the condition(s) for the operator
- Whether a simpler or better way of dealing with a perceived problem could be found
- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition
- Whether the condition will be enforceable, if it is not specific or could be considered subjective it may not be enforceable

## 7. Enforcement and Code of Good Practice

- 7.1 It is the role of the Licensing Authority to protect the public from any harm that might arise from the provision of licensable activities at licensed premises. As part of this role licensing officers conduct visits to licensed premises to monitor compliance with the requirements of the premises licence and ensure the promotion of the licensing objectives.
- 7.2 Enforcement may be carried out independently by these authorised persons or in partnership with other enforcement agencies and Responsible Authorities. Where joint enforcement work is envisaged, the Licensing Authority will establish appropriate protocols, which will be reviewed at regular intervals.
- 7.3 In general, action will be taken in accordance with the Authority's Environmental Health Enforcement Policy. This document can be viewed here:  
<https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>
- 7.4 Each enforcement action will be considered on its own individual merits.
- 7.5 In Mid Devon we aim to visit all premises licensed under the Licensing Act 2003 in accordance with an allocated risk rating. The premises risk rating is based on factors such as the nature of the premises, the range of licensable activities authorised, the times of activities and confidence in the management of the business.
- 7.6 It is strongly recommended that those responsible for the day to day management of licensed premises carry out regular licence compliance checks themselves. To ensure compliance levels, the relevant person(s) should consider the following matters:
- Is the listed Designated Premises Supervisor (DPS) current?
  - Has the DPS authorised staff in writing to sell alcohol on their behalf?
  - Do you have a written age verification policy?
  - Are your staff familiar with, and trained in licensing requirements?
  - Can you show records of relevant staff training?
  - Are your staff training records up to date?
  - Is your Part A licence (or certified copy) available for inspection at the premises?
  - Is your Part B (licence summary) prominently displayed at the premises?
  - Is the premises plan accurate and up to date?

If the answer to any of these questions is 'no', remedial actions need to be taken.

## Code of good practice for licensed premises

7.7 In order to assist in the general management of licensed premises, the Licensing Authority has created a 'Code of good practice for licensed premises' which is available as Appendix D. It includes some templates of standard documents, as well as some links to useful information and resources. Completing these templates and using the resources provided will help premises to promote the licensing objectives.

7.8 The information in the Code of Good Practice should not be considered as standard requirements for all premises. It is very important that each premises is considered on its own individual merits and only relevant and required actions are requested and / or expected of them. Having said that, it is hoped that the document will be used by the following:

### Applicants and licence holders

7.9 It is important to take a proactive and preventative approach to managing a licensed premises as this will ensure problems either do not occur to begin with, or if they do, are dealt with quickly.

7.10 Applicants should therefore read this document before submitting an application. It is considered a good starting point in assessing the potential risks of your premises. The identification of a risk will not necessarily warrant a condition on a licence. Additionally, licence holders should be familiar with this document as it will highlight any additional operational measures they may need to put in place.

### The Licensing Authority and Responsible Authorities

7.11 This code is not a statutory document but it may be taken into consideration and used:

- When offering advice to applicants pre-application
- When offering advice to licence holders in general
- As a starting point to dealing with licensed premises encountering problems, in order to promote the licensing objectives and address issues
- When enforcement action is required as a result of continued issues with premises not promoting the licensing objectives i.e. reviewing a premises licence

Dealing with premises not promoting the four licensing objectives

- 7.12 Where problems or concerns are identified at a licensed premises this will be addressed as early as possible by the Licensing Authority. We aim to work in partnership with licence holders to address issues and we will offer guidance and advice where we can.
- 7.13 The Licensing Authority and Responsible Authorities will agree appropriate measures with licensed premises and this may include points within this code of good practice. This may be in the form of an 'action plan' and will provide a clear framework for actions to be undertaken. The ultimate aim of this code and its application is to try and avoid the need for more formal enforcement action such as a prosecution or review.

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## 8. Promotion of the Licensing Objectives

### Introduction

- 8.1 When carrying out its functions and exercising its powers under the licensing Act the Licensing Authority will aim to promote the licensing objectives at all times. In promoting these licensing objectives, the authority aims to encourage a safe, crime free environment where everyone can enjoy the full range of licensable activities offered.
- 8.2 The licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 8.3 Each licensing objective is of equal importance and they are the only factors that can be taken into account in determining an application and any conditions attached to a licence.
- 8.4 The Authority will require applicants to take appropriate and proportionate measures to promote the licensing objectives. The Council has produced two documents to assist applicants (and existing licence holders) with this and these are the 'Pool of Conditions' (Appendix C) and a 'Code of Good Practice for licensed premises' (Appendix D). Both of these documents are split into different sections covering each of the different licensing objectives. Additional information can also be found in S182 Guidance.

### Prevention of Crime and Disorder

- 8.5 The Authority will endeavour to reduce crime and disorder throughout the district in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

## Partnership working

- 8.6 The Licensing Authority looks to the police as the main source of advice on crime and disorder, but where appropriate, we will also seek to involve the local Community Safety Partnership (CSP). It should be noted however that any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations
- 8.7 In the exercise of its functions, the Licensing Authority seeks to co-operate with the Security Industry Authority (“SIA”) as far as possible and will consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, appear intoxicated by drugs, drug dealers, known sex predators or people carrying firearms do not enter the premises and ensuring that the police are kept informed and / or paramedics called where there are health concerns.
- 8.8 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. The Licensing Authority will work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## Public Safety

- 8.9 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

### Fire Safety

- 8.10 Fire precautions and means of escape from licensed premises are particularly important. Large numbers of people, some of whom may be under the influence of alcohol, must be safely contained, managed and, if necessary, evacuated from premises. 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 Regulatory Reform Fire Safety Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

### Risk Assessments

- 8.11 When addressing public safety, an applicant or licence holder should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public safety objective. Such steps as are required to deal with these identified issues may be suitable to include within the applicant's Operating Schedule.
- 8.12 It is also recognised that special issues may arise in connection with outdoor and large scale events. Risk assessment must be used to assess whether any measures are necessary in the individual circumstances of any premises.

### Disability

- 8.13 Consideration should be given to matters to ensure that:
- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency
  - disabled people on the premises are made aware of those arrangements
  - disabled people may have physical and / or mental problems which should be considered



## Hypnotism

- 8.14 The Licensee shall not allow or permit any person to give at the premises (otherwise than as provided by Section 5 of the Hypnotism Acts 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or is intended to be increased.

## Prevention of Public nuisance

- 8.15 The Licensing Act 2003 covers a wide variety of premises, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is important that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants and neighbours against these risks, as far as is practicable.
- 8.16 Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include issues around nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.
- 8.17 The Licensing Authority recommends that applicants and licensees apply a higher standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises where:
- They are located in a residential or noise sensitive area
  - They have or are proposing extended open hours
- 8.18 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its customers diminishes and individuals who engage in anti-social behaviour are accountable in their own right. The licensing regime is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the licence holder.

## Protection of Children from harm

- 8.19 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 8.20 The council expects licensed businesses to work actively to prevent:
- Child sexual exploitation
  - The sale or supply of alcohol to persons under the age of 18
  - The sale or supply of alcohol to adults seeking to purchase on behalf of persons under the age of 18
  - The sale or supply of any other age restricted products to underage persons
  - Access by children to gambling activities
  - Access by children to any entertainment of a sexual nature

### Child Sexual Exploitation

- 8.21 Child sexual exploitation involves children being groomed and then sexually abused. The Council recognises that child sexual exploitation is a major child protection issue across the UK.
- 8.22 The council takes a strict “zero tolerance” approach in respect of child sexual exploitation and expects licensed businesses to do the same. Conditions may be added by way of review of a licence if there is a specific CSE issue at a premise.
- 8.23 Measures designed to prevent underage sales and other harmful activities will have the secondary effect of preventing child sexual exploitation by reducing or removing opportunities for abusers to groom children for sexual purposes.

### Underage Sales and Age Verification

- 8.24 The council expects licenced premises to work rigorously to prevent the sale or supply of alcohol to children. The mandatory licence conditions include a condition which requires all premises which are licensed to sell or supply alcohol to adopt an age verification policy whereby those who appear to be under 18 will be asked to provide photographic ID to prove their age before selling or supplying them with alcohol.

- 8.25 The council encourages licensed businesses to go further than the requirements of the mandatory conditions and asks premises which are licensed for the sale or supply of alcohol to adopt the voluntary “challenge 25” scheme. This scheme requires members of staff who carry out sales of alcohol to request photographic ID from anyone who appears to be under the age of 25 years. This does not preclude anyone over the age of 18 from purchasing alcohol, but does provide a much clearer framework for staff members in deciding when to ask for ID.
- 8.26 Applicants for premises licences or other permissions to sell or supply alcohol are encouraged to include the challenge 25 scheme within their operating schedule and it will be included as a condition, where appropriate.
- 8.27 Holders of premises licences and other permissions to sell or supply alcohol and their designated premises supervisors must ensure that all staff employed at their premises receive regular training. Training must include child protection issues and the prevention of underage sales and proxy sales.

#### Children in licensed premises

- 8.28 The Licensing Authority recognises the great variety of premises for which licences may be sought. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm.
- 8.29 When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children include premises:
- where entertainment of an adult or sexual nature is provided
  - where there is a strong element of gambling taking place
  - with a known association with drug taking or dealing
  - where there have been convictions of the current management for serving alcohol to minors or with a reputation for allowing underage drinking
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- 8.30 In such circumstances as listed above the Licensing Authority would expect the applicant to suggest restrictions in relation to access for children. If such restrictions

are not contained within the operating schedule and if relevant representations are made, the Licensing Authority will consider applying conditions deemed necessary to meet the licensing objectives.

- 8.31 Conditions may be imposed, if not covered in other legislation, on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.
- 8.32 The options available for limiting access by children would include:
- a limit on the hours when children may be present
  - a limitation or exclusion when certain activities are taking place
  - the requirement to be accompanied by an adult
  - access may be limited to parts of the premises but not the whole
  - an age limitation (for under 18s).
- 8.33 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

#### Display of Films and theatrical entertainment

- 8.34 In the case of premises giving film exhibitions, the Licensing Authority expects the holders of premises licences or other permissions to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.
- 8.35 In relation to theatrical entertainment, it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be necessary where entertainment is provided specifically for children, to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.

## Appendix A

## Responsible Authority Contact List

<p><b>Licensing Authority</b>  <b>Mid Devon District Council</b>  Licensing Section  Phoenix House  Phoenix Lane  Tiverton  Devon EX16 6PP  Telephone: 01884 244617/8/9  Email: <a href="mailto:licensing@middevon.gov.uk">licensing@middevon.gov.uk</a></p>	<p><b>Devon &amp; Cornwall Constabulary</b>  Licensing Department  Devon &amp; Cornwall  Constabulary  Launceston Police Station  Moorland Road  LAUNCESTON  PL15 7HY  <a href="mailto:licensing.team@devonandcornwall.pnn.police.uk">licensing.team@devonandcornwall.pnn.police.uk</a></p>
<p><b>Devon Fire &amp; Rescue Service</b>  East Division  Agriculture House  Pynes Hill  Rydon Lane  Exeter  Devon EX2 5AZ  Telephone: 01392 266833  E-mail: <a href="mailto:tstreat@dsfire.gov.uk">tstreat@dsfire.gov.uk</a></p>	<p><b>Devon County Council - Local Safeguarding Children's Board</b>  Follaton House  Plymouth Road  Totnes  TQ9 5RS  Telephone: 01392 383000  Email: <a href="mailto:cpchecks@devon.gcsx.gov.uk">cpchecks@devon.gcsx.gov.uk</a></p>
<p><b>Devon Trading Standards (Weights and Measures)</b>  Trading Standards Service  County Hall  Topsham Road  Exeter  Devon  EX2 4QH  Tel: 01392 381381  Email: <a href="mailto:tsadvice@devon.gov.uk">tsadvice@devon.gov.uk</a></p>	<p><b>Health and Safety Executive</b>  <del>North Quay House</del> <a href="#">1<sup>st</sup> Floor Cobourg House</a>  <del>Sutton Harbour</del> <a href="#">32 Mayflower Street</a>  Plymouth  <del>PL4 0RA</del> <a href="#">PL1 1QX</a>  Telephone: <del>01852 226024</del> <a href="#">0203 0284950</a>  Tel: 08701 545500  E-mail: <a href="mailto:formsadmin.bristol@hse.gsi.gov.uk">formsadmin.bristol@hse.gsi.gov.uk</a>  <a href="mailto:formsadmin.plymouth@hse.gov.uk">formsadmin.plymouth@hse.gov.uk</a></p>
<p><b>Mid Devon District Council</b>  <b>Environmental Health Services</b>  Phoenix House  Phoenix Lane  Tiverton  Devon EX16 6PP  <a href="http://www.middevon.gov.uk">http://www.middevon.gov.uk</a>  Telephone: 01884 244600  E-mail <a href="mailto:Health@middevon.gov.uk">Health@middevon.gov.uk</a></p>	<p><b>Mid Devon District Council</b>  <b>Planning Services</b>  Phoenix House  Phoenix Lane  Tiverton  Devon EX16 6PP  Telephone: 01884 255255  Email: <a href="mailto:devcon@middevon.gov.uk">devcon@middevon.gov.uk</a></p>

<p><b>Director of Public Health</b> Devon DAAT NHS Devon Room 255 County Hall Topsham Road Exeter Devon EX2 4QL Tel. 0845 002 3456 Email: <a href="mailto:alcohollicensing-mailbox@devon.gov.uk">alcohollicensing-mailbox@devon.gov.uk</a></p>	<p><b>Home Office</b> Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Email: <a href="mailto:Alcohol@homeoffice.gsi.gov.uk">Alcohol@homeoffice.gsi.gov.uk</a></p>
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# Appendix B      Hearing Procedures

## 1.0 Introduction

1.1 The role of the Sub-Committee is to determine Applications / Notices in an impartial manner in accordance with the relevant provisions of the Licensing Act 2003, national guidance and the Council's Policies.

## 2.0 Composition of Sub-Committee

2.1 The Sub-Committee shall usually consist of three Councillors drawn on a "panel" basis from the membership of the Licensing Committee.

2.2 In forming the Membership of the Licensing Sub-Committee for a hearing, and where Councillors availability permits, Members Services shall try to ensure that:

- There are at least two experienced Members in attendance
- Rotation of Membership

'Experienced' is defined as having previously taken part in two separate hearings.

2.3 Members may sit on a Hearing which relates to their own Ward as long as there is no conflict of interest 'and any relevant declarations are made at the beginning of the meeting.

2.4 The Chairman for a Hearing shall be selected from the Members that form the Sub-Committee.

2.5 When unforeseen circumstances require, or an urgent matter has arisen, the Sub-Committee may be made up of two Councillors as opposed to three.

## 3.0 Hearings to be held in public

3.1 Licensing Hearings shall take place in public. However, the Sub-Committee may exclude the public (including a party to the hearing) from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

3.2 The Sub-Committee may require any person attending the hearing who is in their opinion behaving in a disruptive manner to leave the hearing and may:

- a) refuse to permit that person to return, or

- b) permit him/her to return only on such conditions as the Sub-Committee may specify,

but such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

#### **4.0 Time of Hearings**

- 4.1 Hearings of the Licensing Sub-Committee shall usually be held at the Council Offices during the day.

#### **5.0 Notice of Hearing**

- 5.1 The Licensing Authority shall give parties to the Hearing a notice stating the date, time and place where the Hearing is to be held. This is the 'Notice of Hearing' and must be given in accordance with the provisions of the regulations.

- 5.2 The Notice of Hearing shall be accompanied by information regarding the following:

- a) the rights of a party provided for in regulations 15 and 16 of the Licensing Act 2003 (Hearings) Regulations 2005
- b) the consequences if a party does not attend or is not represented at the Hearing
- c) the procedure to be followed at the hearing; and
- d) any particular points on which the Licensing Authority considers that it will want clarification from a party at the hearing.

- 5.3 Each party shall respond to the Notice of Hearing within the time prescribed by regulations which shall be stated on the Notice itself. The response must state:

- a) whether he/she intends to attend or be represented at the hearing;
- b) whether he/she considers a hearing to be unnecessary

#### **6.0 Right of Attendance, Assistance and Representation**

- 6.1 Subject to paragraphs 3.1 and 3.2, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. A party may be assisted or represented by their Ward Councillor. Any Councillor undertaking such a role would not take part in the determination of the matter before the Sub-Committee.



## **7.0 Hearings held on more than one day**

7.1 When a hearing is to be held on more than one day, the hearing must be arranged to take place on consecutive working days.

## **8.0 Right to dispense with a hearing**

8.1 If all parties agree that a hearing is unnecessary, then with the agreement of the Licensing Authority, the hearing may be dispensed with.

## **9.0 Right to postpone or adjourn a hearing**

9.1 The Sub-Committee may postpone or adjourn a hearing where it considers this to be necessary for its consideration of any representations or notice made by a party.

## **10.0 Report**

10.1 A report prepared by the Licensing Authority will be put before the Sub-Committee.

10.2 A copy of the report will be made available to all parties in advance of the hearing.

## **11.0 Detailed Procedural notes**

11.1 Detailed procedural notes for the most regularly heard hearings are available and will be circulated in advance of the relevant hearing. These procedural notes cover the following applications / notices:

- New Premises Licence / Variation of existing Premises Licence (or Club Premises Certificate)
- Temporary Event Notices
- Review of a Premises Licence or Club Premises Certificate

## **12.0 Procedure at hearing - General**

12.1 At the beginning of the hearing, the Chairman and members of the Sub-Committee will introduce themselves, invite parties to identify / introduce themselves and then explain the procedure that the Sub-Committee intends to follow.

12.2 If applicable, the Sub-Committee will then consider any request made by a party for any other person to appear at the hearing. Permission shall not be unreasonably withheld.

12.3 Where the written evidence or information provided by the applicant or any other party has raised legal issues or submissions, the Chairman may request that any legal

representatives present at the hearing and the legal representative of the authority address the Sub-Committee on the legal points raised.

- 12.4 The hearing shall take the form of a discussion led by the Sub-Committee on any matter that is relevant to the application, notice or review.
- 12.5 The Chairman should indicate that members of the Sub-Committee have read the circulated papers; therefore there is no need for parties to repeat points that have already been made in representations.
- 12.6 In circumstances where there are a number of parties who wish to make the same or similar representations the nomination of a single spokesperson will usually be encouraged, and would normally be expected. This does not prevent those who have made representations from speaking during the hearing.
- 12.7 Applicants and other parties will not usually be given a time limit to present their application / representations but the Sub-Committee may stop them should they begin to repeat themselves or stray from what is considered to be relevant matters.
- 12.8 In considering any representations or notice made by a party the Sub-Committee may take into account documentary or other information produced by a party either before the hearing or, with the consent of all other parties, at the hearing. A party introducing documentary evidence at a hearing should bring sufficient copies for all other parties and the Sub-Committee.
- 12.9 Members of the Sub-Committee may ask any question of any party or other person appearing at the hearing.
- 12.10 The Sub-Committee will disregard any information given by a party that is not relevant to the application, notice or representations made.
- 12.11 Parties may question any other party if permission is given by the Sub-Committee. Cross examination will not be allowed unless the Sub-Committee considers that it is required for it to consider the representations, application or notice as the case may require.
- 12.12 Hearsay evidence is admissible but consideration will always be given to the weight, if any, to be attached to such evidence, depending on the circumstances in which it arises.

### **13.0 Roles of Officers**

#### Representative of Legal Services

- 13.1 The role of the representative of Legal Services will be to deal with any questions of law, matters of practice and procedure and where appropriate assist the Sub-Committee in formulating the reasons for its decision. They may ask questions of parties and witnesses in order to clarify the evidence and any issues in the case.

#### Representative of Member Services

- 13.2 The role of the representative of Member Services will be to make a record of the proceedings both by way of notes of the evidence / information given and a minute of the decision reached, inclusive of the reasons for the decision.

#### Licensing Officer

- 13.3 The role of the Licensing Officer will be to introduce the application / notice, outline the relevant facts and any issues involved through the presentation of their report.

### **14.0 Determination of Applications / Notices**

- 14.1 Unless the matter being considered by the Sub-Committee falls within one of the categories listed in point 14.2, the Sub-Committee has five working days to make their determination beginning with the day, or the last day, on which the hearing was held.

- 14.2 In relation to the following matters, the Sub-Committee must make its decision at the conclusion of the hearing:

- a) A counter notice following an objection to a temporary event notice
- b) Review of a premises licence following closure order

### **15.0 Record of proceedings**

- 15.1 A record of the hearing shall be made by the authority and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the record must be kept for six years from the date of disposal of the appeal. The authority may also record the proceeding through audio tape.

### **16.0 Appeals**

- 16.1 Either those who have made an application or those who have made a representation on an application may have the right to appeal the authorities decision to the Magistrates Court.

16.2 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the licensing authority of their decision.

### **17.0 Irregularities**

17.1 Proceedings will not be rendered void only as a result of failure to comply with any provision of the Hearing Regulations.

17.2 Where the authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearing Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination.

17.3 Clerical mistakes in any document recording a determination of the authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the authority.

## **The following information and procedures are associated with this document**

### **Legislation**

- The Licensing Act 2003 (Hearings) Regulations 2005:
  - [http://www.legislation.gov.uk/uksi/2005/44/pdfs/uksi\\_20050044\\_en.pdf](http://www.legislation.gov.uk/uksi/2005/44/pdfs/uksi_20050044_en.pdf)

### **Hearing Procedures**

- New / Variation of Premises or Club
- Temporary Event Notices
- Review

### **Hearing Guidance**

- General guidance to attendees

## **HEARING PROCEDURE: NEW / VARIATION OF PREMISES OR CLUB**

### **Introduction and Preliminary remarks**

1. The following parties will introduce themselves:
  - The Chairman of the Sub-Committee
  - Members of the Sub-Committee
  - Council Officers (legal advisor, member services officer and licensing officer)
2. The Chairman will ask for any declarations of interest.
3. The Chairman will announce if the hearing is to be held in public or private session.
4. The Chairman will ask those present to introduce themselves. This will be the order in which they present their case and is as follows:
  - Applicant and any person representing or assisting them
  - Responsible Authorities that have made a relevant representation
  - Other Parties who have made a relevant representation. If a spokesperson has been appointed / nominated for a group they should be identified.
5. The Sub-Committee will consider any requests by a party for any other person to appear at the hearing. Such permission shall not be unreasonably withheld provided proper notice has been given in response to the Notice of Hearing.
6. The Chairman will confirm that members of the Sub-Committee have received and read the paperwork and as such, parties will not need to repeat verbatim what they have already submitted.
7. The Chairman will state that time limits will not be set for speakers but if it is felt that matters are being repeated or are irrelevant, they or the legal advisor may move the discussion on.

### **Statement by the licensing officer**

8. The Chairman will ask the officer to summarise the matter under consideration and present the salient points of the report.
9. Each other party (if permitted by, and via the Chairman) may then ask questions of the licensing officer based on what they have heard. This will be in the following order:

- Applicant
- Responsible Authorities
- Other Parties
- Sub-Committee

10. The licensing officer may respond to any new issues raised.

**Case for the applicant**

11. The applicant (or their representative) to present case in support of the application.

12. Each other party (if permitted by, and via the Chairman) may then ask questions of the applicant (or their representative) based on what they have heard. This will be in the following order:

- Responsible Authorities
- Other Parties
- Sub-Committee

13. The applicant (or their representative) may then respond to any new issues raised

**Case for responsible authorities (i.e. Police, Environmental Health)**

14. The representative of each responsible authority will be invited in turn to present the views of their organisation.

15. Each other party (if permitted by, and via the Chairman) may then ask questions of the representative based on what they have heard. This will be in the following order:

- Applicant
- Other Parties
- Sub-Committee

16. The representative may then respond to any new issues raised.

**Case for the 'other parties'**

17. Those who have made representations will be invited to present their views.

18. If a spokesperson has agreed to speak on behalf of several people, all of those he/she represents may add any further points after.

19. Each other party (if permitted by, and via the Chairman) may then ask questions of the other party based on what they have heard. This will be in the following order:

- Applicant
- Responsible Authorities
- Other Parties
- Sub-Committee

20. The other party may then respond to any new issues raised.

### **Discussion about conditions**

21. If it appears to any party that one or more of the issues raised during the hearing could be dealt with by means of a condition attached to the licence, that person may put forward the suggestion(s) to the Chairman at this stage. All other parties are to be given an opportunity to comment and express a view on any proposed condition.

### **Summary**

22. Any party wishing to summarise his or her views may do so, in the order in which they presented their case. This will usually be as follows:

- Applicant
- Responsible Authorities
- Other Parties

### **The decision**

23. The Sub-Committee will retire to reach a decision in private, accompanied by the Council's representatives from legal and member services.

24. Members of the Sub-Committee return. Any legal advice given in the absence of the parties will be repeated in public and all parties given an opportunity to respond before a decision is announced.

25. The Chairman to announce the Sub-Committee's decision if one has been made. This can include giving reasons (if finalised). If the Sub-Committee is minded to grant with the addition of conditions they may give the generals of the condition and the intention of them. Specific wording in line with the Sub-Committee's direction may then be delegated to the Licensing Officer to prepare and send out in the decision notice.

26. The Council's legal officer will then outline the rights of appeal.

27. The decision and rights of appeal will be confirmed in writing by the licensing officer.



## **HEARING PROCEDURE: TEMPORARY EVENT NOTICES (TENS)**

### **Introduction and Preliminary remarks**

1. The following parties will introduce themselves:
  - The Chairman of the Sub-Committee
  - Members of the Sub-Committee
  - Council Officers (legal advisor, member services officer and licensing officer)
2. The Chairman will ask for any declarations of interest.
3. The Chairman will announce if the hearing is to be held in public or private session.
4. The Chairman will ask those present to introduce themselves. This will be the order in which they present their case and is as follows:
  - Premises User (the person who has submitted the TEN) and any person representing or assisting them
  - Responsible Authorities that have made a relevant representation
5. The Sub-Committee will consider any requests by a party for any other person to appear at the hearing. Such permission shall not be unreasonably withheld provided proper notice has been given in response to the Notice of Hearing.
6. The Chairman will confirm that members of the Sub-Committee have received and read the paperwork and as such, parties will not need to repeat verbatim what they have already submitted.
7. The Chairman will state that time limits will not be set for speakers but if it is felt that matters are being repeated or are irrelevant, they or the legal advisor may move the discussion on.

### **Statement by the licensing officer**

8. The Chairman will ask the officer to summarise the matter under consideration and present the salient points of the report.
9. Each other party (if permitted by, and via the Chairman) may then ask questions of the licensing officer based on what they have heard. This will be in the following order:
  - Premises User

- Responsible Authorities
- Sub-Committee

10. The licensing officer may respond to any new issues raised.

**Case for the premises user (the person who has submitted the TEN)**

11. The premises user (or their representative) to present case in support of the TEN.

12. Each other party (if permitted by, and via the Chairman) may then ask questions of the applicant (or their representative) based on what they have heard. This will be in the following order:

- Responsible Authorities
- Sub-Committee

13. The premises user (or their representative) may then respond to any new issues raised.

**Case for responsible authorities (Police / Environmental Health)**

14. The representative of each responsible authority will be invited in turn to present the views of their organisation.

15. Each other party (if permitted by, and via the Chairman) may then ask questions of the representative based on what they have heard. This will be in the following order:

- Premises user
- Sub-Committee

16. The representative may then respond to any new issues raised.

**Summary**

17. Any party wishing to summarise his or her views may do so, in the order in which they presented their case. This will usually be as follows:

- Premises User
- Responsible Authorities

**The decision**

18. The Sub-Committee will retire to reach a decision in private, accompanied by the Council's representatives from legal and member services.

19. Members of the Sub-Committee return. Any legal advice given in the absence of the parties will be repeated in public and all parties given an opportunity to respond before a decision is announced.
20. The Chairman to announce the Sub-Committee's decision and the reason for the decision.
21. The Council's legal officer will then outline the rights of appeal.
22. The decision and rights of appeal will be confirmed in writing by the licensing officer.

## **HEARING PROCEDURE: REVIEW OF PREMISES**

### **Introduction and Preliminary remarks**

1. The following parties will introduce themselves:
  - The Chairman of the Sub-Committee
  - Members of the Sub-Committee
  - Council Officers (legal advisor, member services officer and licensing officer)
2. The Chairman will ask for any declarations of interest.
3. The Chairman will announce if the hearing is to be held in public or private session.
4. The Chairman will ask those present to introduce themselves. This will be the order in which they present their case and is as follows:
  - Applicant for review and any person representing or assisting them
  - The holder of the premises licence and any person representing or assisting them
  - Responsible Authorities that have made a relevant representation
  - Other Parties who have made a relevant representation. If a spokesperson has been appointed / nominated for a group they should be identified.
5. The Sub-Committee will consider any requests by a party for any other person to appear at the hearing. Such permission shall not be unreasonably withheld provided proper notice has been given in response to the Notice of Hearing.
6. The Chairman will confirm that members of the Sub-Committee have received and read the paperwork and as such, parties will not need to repeat verbatim what they have already submitted.
7. The Chairman will state that time limits will not be set for speakers but if it is felt that matters are being repeated or are irrelevant, they or the legal advisor may move the discussion on.

### **Statement by the licensing officer**

8. The Chairman will ask the officer to summarise the matter under consideration and present the salient points of the report.

9. Each other party (if permitted by, and via the Chairman) may then ask questions of the licensing officer based on what they have heard. This will be in the following order:

- Applicant for review
- Holder of premises licence
- Responsible authorities
- Other parties
- Sub-Committee

10. The licensing officer may respond to any new issues raised.

**Case for the applicant of the review**

11. The applicant (or their representative) to present case in support of the application.

12. Each other party (if permitted by, and via the Chairman) may then ask questions of the applicant (or their representative) based on what they have heard. This will be in the following order:

- Holder of the premises licence
- Responsible authorities
- Other Parties
- Sub-Committee

13. The applicant (or their representative) may then respond to any new issues raised

**Case for the premises licence holder**

14. The premises licence holder (or their representative) will be invited to present their response to the review application.

15. Each other party (if permitted by, and via the Chairman) may then ask questions of the premises licence holder (or their representative) based on what they have heard. This will be in the following order:

- Applicant
- Responsible authorities
- Other Parties

- Sub-Committee

16. The premises licence holder may then respond to any new issues raised.

**Case for responsible authorities (i.e. Police, Environmental Health)**

17. The representative of each responsible authority will be invited in turn to present the views of their organisation.

18. Each other party (if permitted by, and via the Chairman) may then ask questions of the other party based on what they have heard. This will be in the following order:

- Applicant
- Premises licence holder
- Other Parties
- Sub-Committee

19. The representative may then respond to any new issues raised.

**Case for the 'other parties'**

20. Those who have made representations will be invited to present their views.

21. If a spokesperson has agreed to speak on behalf of several people, all of those he/she represents may add any further points after.

22. Each other party (if permitted by, and via the Chairman) may then ask questions of the other party based on what they have heard. This will be in the following order:

- Applicant
- Premises licence holder
- Sub-Committee

23. The other party may then respond to any new issues raised.

**Discussion about conditions**

24. If it appears to any party that one or more of the issues raised during the hearing could be dealt with by means of a condition attached to the licence, that person may put forward the suggestion(s) to the Chairman at this stage. All other parties are to be given an opportunity to comment and express a view on any proposed condition.

## **Summary**

25. Any party wishing to summarise his or her views may do so, in the order in which they presented their case. This will usually be as follows:

- Applicant
- Premises licence holder
- Responsible Authorities
- Other Parties

## **The decision**

26. The Sub-Committee will retire to reach a decision in private, accompanied by the Council's representatives from legal and member services.

27. Members of the Sub-Committee return. Any legal advice given in the absence of the parties will be repeated in public and all parties given an opportunity to respond before a decision is announced.

28. The Chairman to announce the Sub-Committee's decision if one has been made. This can include giving reasons (if finalised). If the Sub-Committee is minded to place on the licence additional conditions they may give the generals of the condition and the intention of them. Specific wording in line with the Sub-Committees direction may then be deferred to the Licensing Officer to prepare and send out in the decision notice.

29. The Council's legal officer will then outline the rights of appeal.

30. The decision and rights of appeal will be confirmed in writing by the licensing officer.

## **General guidance to attendees**

### **RIGHTS OF A PARTY**

As a party to the hearing, you are entitled to:

- Attend the hearing
- Be assisted or represented at the hearing by another person, whether or not that person is legally qualified
- Give further information in support of your application or representation in circumstances where the Licensing Authority has given you notice that clarification on a point is required
- Question any other party if given permission to do so by the Licensing Authority
- Address the Licensing Authority

### **FAILURE TO ATTEND THE HEARING**

- If you or your representative are unable to attend the hearing, the hearing may proceed in your absence (in which case the Licensing Authority will consider the application, representation or notice made by you)
- Alternatively, the Licensing Authority may, where it is in the public interest, adjourn the hearing to another date and notify all parties

### **HEARING PROCEDURE**

- The procedure to be followed at the hearing is contained in the document 'Protocol and Procedure for Licensing Sub-Committee Hearings'.

### **ADDITIONAL INFORMATION**

#### **Documents**

- You may produce documents or other information in support of your application, representation or notice (as applicable) either before the hearing, or with the consent of all the other parties, at the hearing
- In considering the representations or notice made by you, the Licensing Authority may take into account any documents produced in accordance with this provision.



### Submissions

- You must confine your submission at the hearing to the representations you have made within the statutory prescribed period. You may not raise new representations at the hearing.

### Time

- There is no set time limit for verbal submissions at the hearing. The Chairman or Councils legal advisor may move the discussion on if you begin to repeat yourself or introduce points that are not relevant.
- Where a number of parties attending a hearing wish to make the same or similar points, the Chairman may invite parties to appoint a spokesperson (if they have not done so already). You will then be entitled to add anything you consider the spokesperson has omitted.

### Disruptive behaviour

- Any person attending the hearing who is deemed by the Licensing Authority to be behaving in a disruptive manner will be required to leave the hearing.

### **DETERMINATION AND NOTIFICATION OF DECISION**

- The Licensing Authority will try to make its decision on the same day as the hearing whenever possible
- The Licensing Authority will notify each party in writing of its determination and the rights of appeal

### **ADDITIONAL INFORMATION**

Should you require any further information about the hearing process please contact the Licensing Authority on 01884 255255

## Appendix C      Pool of Licensing Conditions Licensing Act 2003

When preparing a new or variation application for a premises licence or club premises certificate, applicants are required to describe the steps they intend to take to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

Mid Devon District Council has produced this pool of licensing conditions to assist applicants in completing this section of their application and to promote a consistent approach in the wording of conditions. It is intended to provide a broad range of conditions that should cover most eventualities, however it is recommended that those persons wishing to host large one off events e.g. festivals, refer to the Council's Safety Advisory Group website: [www.middevon.gov.uk/residents/community-safety/safety-advisory-group/](http://www.middevon.gov.uk/residents/community-safety/safety-advisory-group/) for specific information.

All premises licences and club premise certificates will be subject of mandatory conditions prescribed by the Licensing Act 2003. It is suggested that applicants examine the list of these which can be found on [www.middevon.gov.uk/business/licensing/](http://www.middevon.gov.uk/business/licensing/).

All further conditions imposed should be tailored to the particular circumstances of individual premises and determined on a case-by-case basis. They should reflect how applicants will promote these licensing objectives having regard to the nature and type of venue, proposed licensable activities, location, operating times, anticipated clientele etc. For example, if an application relates to a restaurant, the measures or controls required will be less than a nightclub or music festival.

The measures and controls which are appropriate to promote the licensing objectives should initially emerge from an applicant's own risk assessment. If it is then considered appropriate and necessary to apply these as conditions they should be translated to form part of the operating schedule for the premises. Any conditions, controls or restrictions that are offered by applicants in their operating schedule will be added to a licence or certificate and as such will govern the way in which licensed premises are managed. In the circumstances where words or phrases used in an operating schedule

are confusing, unenforceable etc., minor amendments will be made by the Licensing Authority to ensure conditions are clear and enforceable. Furthermore, the Licensing Authority will not impose conditions which it believes are duplicated in other legislation.

This pool of conditions is not intended to form an exclusive or exhaustive list of conditions which should be included on a licence or certificate. Applicants should consider offering conditions that are appropriate, necessary and proportionate in the circumstances of their particular application. Moreover, the pool does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor does it restrict the Council's Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives (after representations have been received to an application and by way of a hearing).

Guidance states that conditions are important in setting the parameters under which premises can lawfully operate. As such applicants should consider whether conditions can be met and be mindful as to whether what they have offered is practical, realistic and enforceable. A breach of condition constitutes an offence for which those found guilty may face an unlimited fine and/or six months imprisonment.

Before an application is submitted we recommend that applicants contact any relevant responsible authorities (see [www.middevon.gov.uk/business/licensing/](http://www.middevon.gov.uk/business/licensing/) for contact details) to discuss their application. They may suggest conditions that should be considered prior to submission, which may reduce the likelihood of a responsible authority or member of the public submitting a representation (objection). Responsible authorities may contact you after the submission of your application to suggest amendments to your operating schedule, particularly if you have not contacted them previously.

Additional information on conditions can be found in the Section 182 guidance to the Licensing Act 2003 ([www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)). Comments on the content and use of this pool of conditions are welcomed. Please contact the Licensing Team on 01884 255255 or alternatively email [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk).

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

<p><b>1. Training</b></p>	<p><b>D1</b></p>	<p>All staff engaged in licensable activity at the premises will receive training and information in relation to the following (<i>select from the following</i>):</p> <ul style="list-style-type: none"> <li>i. The <i>Challenge 21/25*</i> (<i>delete as appropriate</i>) scheme in operation at the premises, including the forms of identification that are acceptable.</li> <li>ii. The hours and activities permitted by the <i>premises licence / club premises certificate*</i> (<i>delete as appropriate</i>) issued under the Licensing Act 2003 and conditions attached to the <i>licence/certificate*</i>(<i>delete as appropriate</i>).</li> <li>iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).</li> <li>iv. Recognising the signs of drunkenness.</li> <li>v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.</li> <li>vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.</li> </ul> <p>Training shall be recorded in documentary form and shall be regularly refreshed at no greater than (<i>insert</i>) intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.</p> <p>Training records will be retained for at least 12 months.</p>
<p><b>2. Incident log</b></p>	<p><b>D2</b></p>	<p>An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details (<i>select from the following</i>):</p> <ul style="list-style-type: none"> <li>i. Any incidents of disorder or of a violent or anti-social nature</li> <li>ii. All crimes reported to the venue, or by the venue to the police</li> <li>iii. All ejections of patrons</li> <li>iv. Any complaints received</li> <li>v. Seizures of drugs or offensive weapons</li> <li>vi. Any faults in the CCTV system</li> <li>vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.</li> </ul> <p>Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.</p> <p>The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.</p>
<p><b>3. Alcohol Consumption</b></p>	<p><b>D3</b></p>	<p>With the exception of residents and their bona fide guests, no alcohol shall be consumed more than (<i>insert</i>) minutes after the permitted terminal hour for the supply of alcohol.</p>
	<p><b>D4</b></p>	<p>The consumption of alcohol on the premises shall cease at (<i>insert hour</i>).</p>
	<p><b>D5</b></p>	<p>Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.</p>
	<p><b>D6</b></p>	<p>The sale and supply of alcohol for consumption in any <i>outdoor area of the premises/off the premises*</i> (<i>delete as appropriate</i>) 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 taking a table meal there and be for consumption by such a person as ancillary to their meal.</p>
	<p><b>D7</b></p>	<p>There shall be no consumption of beverages purchased from the premises in the</p>

		designated smoking area.
	<b>D8</b>	There shall be no consumption of beverages purchased from the premises outside the premises.
	<b>D9</b>	There shall be no consumption of beverages outside the premises after <i>(insert)</i> hours.
	<b>D10</b>	After <i>(insert)</i> hours no drinks are to be taken to the outside area and no consumption of drinks will occur after <i>(insert)</i> hours.
	<b>D11</b>	Clear and legible signage must be prominently displayed in the outside area specifying that no drinks are to be taken into this area after <i>(insert)</i> hours.
	<b>D12</b>	Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers.
<b>4.Management Controls</b>	<b>D13</b>	There shall be no admissions or re-admission to the premises after <i>(insert)</i> hours.
	<b>D14</b>	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
	<b>D15</b>	Outside of the hours authorised for the retail sale of alcohol and whilst the premises are open to the public, all alcohol within the premises (including alcohol behind the counter) must be secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
	<b>D16</b>	All alcohol on display will be in such a position so as not to be obscured from the constant view of the cashier / staff.
	<b>D17</b>	An attendant shall be on duty in the cloakroom the whole time that it is in use.
<b>5.Nature of Alcohol Sales</b>	<b>D18</b>	No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
	<b>D19</b>	There shall be no self-service of alcohol on the premises.
	<b>D20</b>	There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV (alcohol by volume).
	<b>D21</b>	No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
	<b>D22</b>	No miniature bottles of spirits of 20cl or less shall be sold from the premises.
	<b>D23</b>	Retail sale of alcohol shall only take place from a fixed bar, no mobile dispense sales will take place.
<b>6.Door Supervisors</b>	<b>D24</b>	The number of SIA licensed door supervisors employed shall be in accordance with the following ratio: A minimum of <i>(insert number)</i> door supervisors will be employed for the first <i>(insert number)</i> customers and one door supervisor for every <i>(insert number)</i> thereafter.
	<b>D25</b>	A minimum of <i>(insert number)</i> SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.
	<b>D26</b>	A minimum of <i>(insert number)</i> SIA licensed door supervisors shall be positioned at the exit(s) from the premises at closing time.
	<b>D27</b>	A minimum of <i>(insert number)</i> SIA licensed door supervisors shall be on duty at the entrance of the premises at all times until the premises have closed and all customers have left.
	<b>D28</b>	All SIA licensed door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the entrance(s) shall wear 'high visibility' clothing (such as a jacket or waistcoat).
	<b>D29</b>	All persons entering or re-entering the premises shall be searched by a SIA licensed door supervisor.
	<b>D30</b>	SIA licensed door supervisors engaged in searching persons shall be fully trained in the use of their powers to do so.
	<b>D31</b>	Where searches of persons are undertaken SIA licensed door supervisors of both sexes will be on duty.
	<b>D32</b>	The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose: <ul style="list-style-type: none"> <li>I. Full name</li> <li>II. SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration</li> </ul>

		<p>or accreditation)</p> <p>III. The date and time they began their duty</p> <p>IV. The date and time they completed their duty</p> <p>V. The full details of any agency through which they have been allocated to work at the premises if appropriate</p> <p>The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.</p> <p>The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.</p>
	<b>D33</b>	All SIA licensed door supervisors will be provided with working radios to enable them to contact each other and the duty manager at the premises at all times whilst on duty.
	<b>D34</b>	SIA licensed door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
	<b>D35</b>	Any queue to enter the premises which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.
<b>7.Substance Misuse</b>	<b>D36</b>	A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.
	<b>D37</b>	Where door supervisors are used to search patrons as a condition of entry, a written drugs policy formulated in consultation with the Police will be in place. The policy will include an agreed procedure for the handling and retention of any article seized.
	<b>D38</b>	<p>A structured training programme surrounding substance misuse will be in place. Training will be undertaken at (<i>regular intervals/annually/ _ monthly intervals*</i>) (<i>delete as appropriate</i>) for all staff that deal with persons who are in the possession of/or incapacitated through the use of drugs or the combined effect of drugs and alcohol.</p> <p>Records will be maintained detailing the time and date of substance misuse training, the people who received the training, and the name of the person delivering the training.</p> <p>Records will be available for inspection by an authorised officer of a responsible authority at all reasonable times. The records will be retained for at least 12 months.</p>
	<b>D39</b>	A senior member of the management team at the premises must hold a National Certificate of Drugs Awareness qualification, run by the British Institute of Innkeeping or similar accredited body.
	<b>D40</b>	There must be at the premises a lockable drugs safe to which no member of staff, save the DPS or ( <i>insert</i> ) shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this safe as soon as practicable. Whenever this box is emptied, all of its contents must be given to the police for appropriate disposal.
	<b>D41</b>	<p>Where a drug safe is available on the premises to deposit finds there will be in place a clear policy for the handling and packaging of seized items.</p> <p><i>Note: For premises with a suitable 'Drug Safe' the items secured within that safe are not considered as being in their possession</i></p>
	<b>D42</b>	A clear and legible notice must be prominently displayed at all entrances to the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
	<b>D43</b>	Appropriate security arrangements will be in place including toilet areas and other similar areas being regularly checked for evidence of drugs. The date and times of all checks will be recorded in a register kept for that purpose and be available for inspection and copying on request of an authorised officer of a responsible authority.

	<p><b>D44</b> Signage must be prominently displayed in the toilet areas advising patrons that checks for evidence of drugs are conducted regularly.</p>
<p><b>8.CCTV</b></p>	<p><b>NOTE FROM LICENSING AUTHORITY ON IMPOSITION OF CONDITIONS SURROUNDING CCTV:</b></p> <p>When considering the use of surveillance camera systems as part of the conditions attached to a licence or certificate, applicants and responsible authorities should have particular regard to Guiding Principle One in the Surveillance Camera Code of Practice (June 2013) issued by the Home Office which can be found at:</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf</a></p> <p>A blanket attachment of surveillance camera conditions is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and be kept under regular review. Applications in relation to licensed premises must take into account whether a requirement to have a surveillance camera system is appropriate in the particular circumstances of the case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified.</p> <p><b>Guiding Principle One is shown below for information:</b></p> <p>Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and be necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the on-going requirement for operation or use of the systems and any images or other information obtained can be assessed.</p> <p>In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator should always consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and investigation of crime and the end user is likely to be the police and the criminal justice system.</p> <p>A surveillance camera system should only be used in a public place for the specific purpose or purposes it was established to address. It should not be used for other purposes that would not have justified its establishment in the first place. Any proposed extension to the purposes for which a system was established and images and information are collected should be subject to consultation before any decision is taken.</p>
	<p><b>D45</b> <del>The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must: (delete / amend as appropriate)</del></p> <ul style="list-style-type: none"> <li><del>I. Cover all public areas of the licensed premises including entry and exit points (the location of cameras can also be specified on the plan attached to the premises licence).</del></li> <li><del>II. Record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.</del></li> <li><del>III. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.</del></li> <li><del>IV. Have a constant and accurate time and date generation.</del></li> <li><del>V. Store recordings for a minimum period of 31 days with date and time stamping.</del></li> </ul>



- ~~VI. Viewable copies of recordings will be provided on request to police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998 (or any replacement legislation).~~
- ~~VII. The CCTV system will be capable of downloading images to a recognisable viewable format.~~
- ~~VIII. The CCTV system will capture a minimum of 4 frames per second.~~
- ~~I. The CCTV system will be fitted with security functions to prevent recordings being tampered with, i.e. be password protected.~~

The premises shall install, operate and maintain a digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must: (delete / amend as appropriate):

- i. Cover all public areas of the licensed premises, including entry and exit points. This also includes any outside areas under the control of the premises licence holder. (The location of cameras can also be specified on the plan attached to the premises licence).
- ii. Record clear images permitting the identification of individuals and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
- iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- iv. Have a constant and accurate time and date generation.
- v. Store recordings for a minimum period of 14 days with date and time stamping.
- vi. Viewable copies of recordings will be provided on request to the police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998 (or any replacement legislation)
- vii. The CCTV system will be capable of downloading images to a recognisable viewable format.
- viii. The CCTV system will capture a minimum of 4 frames per second.
- ix. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).

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| <b>D46</b> | The CCTV system will be fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document <a href="https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/">https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/</a> (or any renewed equivalent guidance which is subsequently issued). |
| <b>D47</b> | If the CCTV equipment (including any mobile units in use at the premises) breaks down   |

	<p>the Licensing Authority and the Police must be informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in an incident report register and shall include the time, date and means this was done and to whom the information was reported. Immediate steps must be taken to put the equipment back into action. The Licensing Authority and the Police shall be informed when faults are rectified.</p>
<p><b>D48</b></p>	<p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with the absolute minimum of delay when requested (in accordance with the Data Protection Act 1998 or any replacement legislation).</p>

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<b>CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE</b>		
<b>9. Restrictions on Live Music</b>	<b>N1</b>	The performance of live entertainment will be limited to a maximum duration of <i>(insert)</i> hours inclusive of any breaks.
	<b>N2</b>	The performance of live entertainment will be limited to <i>(one/two)</i> evenings per <i>(week / month)</i> .
<b>10. Dispersal</b>	<b>N3</b>	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
	<b>N4</b>	Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
	<b>N5</b>	When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity as quickly and quietly as possible.
	<b>N6</b>	Clear and legible notices shall be prominently displayed at the entrances to the premises advising that if patrons cause any disturbance or disorder admission will be refused as a result.
	<b>N7</b>	During the final hour of trading appropriate announcements will be made or images projected to remind patrons of the need to leave the premises quietly without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.
<b>11. Speakers</b>	<b>N8</b>	No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
	<b>N9</b>	The location and orientation of loudspeakers must be as specified on the attached premises plan.
	<b>N10</b>	Speakers will not be located in the entrance lobby or <i>(specify another location if appropriate)</i> or outside the premises.
	<b>N11</b>	No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.
	<b>N12</b>	All internal speakers shall be attached to independent wall linings and not to the ceiling.
	<b>N13</b>	All speakers shall be mounted on speaker brackets that incorporate isolating rubber mounts.
<b>12. Equipment &amp; Deliveries</b>	<b>N14</b>	Pneumatic tyres (or equivalent) will be fitted to any moving work equipment to be used outside (e.g. bins, trolleys, roll cages etc.).
	<b>N15</b>	Any moveable furniture will be fitted with rubber (or equivalent) feet.
	<b>N16</b>	Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
	<b>N17</b>	Any generator will be positioned away from residential premises and in the case of a mobile van positioned so that the vehicle acts as a screen.
	<b>N18</b>	Where plant and machinery is likely to cause a noise problem it will be positioned in such a way that the building structure provides as much screening as possible for nearby noise-sensitive properties. <i>Alternatively, or additionally, control measures such as acoustic enclosures, acoustic louvers, silencers, or additional acoustic screening will be considered.</i>
	<b>N19</b>	The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before <i>(insert)</i> hours or after <i>(insert)</i> hours.
	<b>N20</b>	No deliveries (in relation to licensable activities) to the premises shall take place between <i>(insert)</i> hours and <i>(insert)</i> hours.
<b>13. Noise Levels</b>	<p><b>NOTE FROM LICENSING AUTHORITY ON IMPOSITION OF CONDITIONS SURROUNDING NOISE CONTROLS</b></p> <p><i>“Inaudibility” conditions have been popular in the past but have faced sufficient criticism in the courts to be quashed as invalid for lack of precision. Noise conditions are notoriously difficult to pre-empt and should be applied only where professional advice has been obtained from Mid Devon District Council’s Public Health Team. Such conditions will be strictly tailored to the premises in question and the concerns to hand in relation to noise attenuation and resultant nuisance. An example of the type of inclusion that</i></p>	

		<i>may be appropriate follows:</i>
	<b>N21</b>	Between ( <i>specify hours/ days</i> ), the noise climate of the surrounding area must be protected such that the A- weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured ( <i>specified distance (usually in metres, between the noise source and the receiver location(s))</i> ) from any facade of any noise sensitive premises over any [ <i>specify no. of minutes</i> ] period with entertainment taking place, must not increase by more than [ <i>specify dB tolerance (e.g. +3 dB, +5 dB, etc.)</i> ] as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the un-weighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz 1/1-Octave band, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any ( <i>specify no. of minutes</i> ) period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.
<b>14. Point of Contact</b>	<b>N22</b>	A telephone number shall be made available and displayed in a prominent location where it can be conveniently read from the exterior of the premises for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.
	<b>N23</b>	The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority.
<b>15. Noise Limiting Devices</b>	<b>N24</b>	A noise limiting device ( <i>the specification and design to be agreed with Mid Devon District Council's Environmental Protection Team</i> ) shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Mid Devon District Council's Public Health Team and will be reviewed from time to time as appropriate.
	<b>N25</b>	The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
	<b>N26</b>	If the noise limiting device breaks Mid Devon District Council's Public Health Team will be informed as soon as reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.
	<b>N27</b>	No performances of live and recorded music will proceed without the noise limiting device in proper working order.
	<b>N28</b>	All amplified sound sources (including live performances) from the premises will go through a noise limiting device.
	<b>N29</b>	The Premises Licence Holder or nominated person shall control the sound levels of the music/entertainment.
	<b>N30</b>	The Premises Licence Holder or nominated person shall ensure that the noise limiting device is sealed after commissioning, so that sound operators cannot override the system during the performance of live and recorded music.
	<b>N31</b>	A noise limiting device shall be used in relation to all sound amplification equipment used in line with the following: <ul style="list-style-type: none"> <li>I. The noise limiting device shall be kept at the settings approved by the Council through an authorised officer of the Mid Devon District Council's Public Health Team on (<i>Date</i>)</li> <li>II. The noise limiting device shall be properly secured so that it cannot be tampered with</li> <li>III. The noise limiting device shall only be reset with the authority of Mid Devon District Council through an authorised officer of Mid Devon District Council's Public Health Team.</li> <li>IV. If deemed necessary, the noise limiting device shall be reset to a level approved</li> </ul>

		by the Council through an authorised officer of Mid Devon District Council's Public Health Team within <i>(insert)</i> days of notification.
<b>16. Doors, Windows, &amp; Lobbies</b>	<b>N32</b>	All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.
	<b>N33</b>	All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when doors have been opened.
	<b>N34</b>	Customers shall not enter or leave the premises from/by <i>(insert specific entrances or exits)</i> except in the event of an emergency.
	<b>N35</b>	An <i>(acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer)</i> must be installed <i>(specify the location / define on plan)</i> .
	<b>N36</b>	All external doors and windows shall be maintained in good order.
	<b>N37</b>	All external doors and windows shall be acoustically glazed or suitably insulated to minimise noise breakout from the premises. <i>(Details of any such works will be specified to Mid Devon District Council's Public Health Team.)</i>
	<b>N38</b>	Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all external windows and doors are shut.
	<b>N39</b>	The entrance/exit door(s) shall be fitted with a suitably constructed lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.
	<b>N40</b>	Staff shall check that self-closing doors are not wedged open during regulated entertainment.
<b>17. Noise Monitoring</b>	<b>N41</b>	<p>While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including:</p> <ul style="list-style-type: none"> <li>• the date, time and location of the monitoring</li> <li>• the name of the person monitoring</li> <li>• any action taken</li> </ul> <p>Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.</p>
	<b>N42</b>	<p>Observations in the vicinity of the properties at <i>(insert location)</i>, on at least <i>(insert time period e.g. hourly)</i> intervals between <i>(insert)</i> and <i>(insert)</i> whilst live music, karaoke or DJ's playing recorded music is taking place will be undertaken to establish whether there is a noise breakout from the premises.</p> <ol style="list-style-type: none"> <li>I. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.</li> <li>II. A record of such observations shall be kept in a log for that purpose, the log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.</li> <li>III. Such records must be made available for inspection and copying at all times upon request to an authorised officer of a responsible authority.</li> </ol>
	<b>N43</b>	After <i>(insert)</i> hours noise levels in outside areas will be monitored and controlled to minimise any potential impact on local residents. Customers will be advised of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
<b>18. Smoking Areas</b>	<b>N44</b>	A designated and de-lined smoking area will be allocated outside the premises.
	<b>N45</b>	Suitable receptacles will be provided for cigarette litter within the designated smoking area.
	<b>N46</b>	The smoking area shall be regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.
	<b>N47</b>	The designated smoking area shall be for 'smoking only' and reasonable steps will be

		taken to prevent the consumption of any drinks in this area.
	<b>N48</b>	Steps shall be taken ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
	<b>N49</b>	Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
	<b>N50</b>	Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as ( <i>specify location / mark on plan</i> ). No more than ( <i>insert number</i> ) of customers will be permitted to remain in the designated smoking area at any one time.
	<b>N51</b>	<p>The following conditions apply to the management of smoking areas within curtilage of the premises (<i>select from the following</i>):</p> <ol style="list-style-type: none"> <li>I. The area must be adequately monitored by SIA licensed door supervisors and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is controlled.</li> <li>II. Patrons must not be allowed to take drinks into the smoking area.</li> <li>III. The area must be provided with an adequate number of suitable ashtrays/bins, the use of which must be monitored by door staff.</li> <li>IV. The area must be regularly swept to remove cigarette ends.</li> <li>V. Arrangements must be made to prevent overcrowding or disorder on the (<i>insert location</i>), particularly if patrons exiting towards the smoking area whilst others are queuing for entrance in/on the (<i>insert location</i>).</li> <li>VI. A safety netting, mesh or screen (of a gauge that satisfies the enclosed space requirements as specified within the smoking legislation), shall be fitted and maintained in order to prevent objects being passed from the outside into the smoking area.</li> <li>VII. Any bottle or bin stores located near an external smoking facility shall be enclosed and secured.</li> <li>VIII. There shall be no furniture in the outside areas, with the exception of the appropriate wall mounted receptacles for tobacco waste materials.</li> <li>IX. The smoking area shall be thoroughly cleaned, provided with adequate lighting and painted so as to clearly designate this area as the smoking area.</li> <li>X. Staff shall be instructed to clean the smoking area and adjacent pavements of smoking-related litter before and after each period of use.</li> </ol>
	<b>N52</b>	The smoking area shall be permanently monitored by SIA licensed door supervisors during opening hours. The amount of patrons in this area will not exceed ( <i>insert occupancy number</i> ) persons; and shall be monitored with ( <i>insert method of monitoring occupancy number</i> ) from a position ( <i>insert positions from which monitoring is to take place</i> ).
<b>19. Restrictions on Outside Areas</b>	<b>N53</b>	Any outdoor areas to ( <i>the front/rear of</i> ) the premises must not be used by customers or staff after ( <i>insert</i> ) hours.
	<b>N54</b>	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to ( <i>insert number</i> ) persons at any one time.
	<b>N55</b>	The ( <i>insert name of area i.e. beer garden, upper patio, etc.</i> ) shall only be open to customers ( <i>insert days</i> ) from ( <i>insert commencement time</i> ) until ( <i>insert end time</i> ). Clear and legible notices shall be prominently displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
	<b>N56</b>	All outside areas must be closed and cleared of customers by ( <i>insert</i> ) hours. Adequate notices shall be displayed to inform patrons of this requirement.
	<b>N57</b>	After ( <i>insert</i> ) hours a SIA licensed door supervisor will be permanently placed in the ( <i>insert</i> ) area to monitor customers and prevent noise disturbance.
	<b>N58</b>	After ( <i>insert</i> ) hours the capacity in the outside rear area is limited to ( <i>insert</i> ) persons.
<b>20. Taxi Provision</b>	<b>N59</b>	Where a specific taxi operator has been nominated for customers use the company's telephone number will be advertised to customers. The operator will be advised that drivers should arrive and depart as quietly as possible, should not sound vehicle horns as

		a signal of their arrival or leave engines idling unnecessarily.
<b>21. Reports &amp; Schemes</b>	<b>N62</b>	A detailed scheme of sound insulation works shall be submitted to and approved in writing by Mid Devon District Council's Public Health Team. The approved details shall be implemented in full prior to the commencement of the premises licence/club premises certificate* ( <i>delete as appropriate</i> ).
	<b>N63</b>	A report shall be submitted detailing and recommending a scheme of sound insulation works for the separating structure between the licensed premises and the ( <i>adjacent</i> ) residential use ( <i>above</i> ). The report shall consider: the potential for noise breakout from the building and the volume and nature of the music likely to be desired by the premises. The report shall be approved in writing by Mid Devon District Council's Public Health Team. All recommended works shall be completed prior to the commencement of the premises licence/club premises certificate* ( <i>delete as appropriate</i> ).
	<b>N64</b>	A report shall be submitted detailing the potential for noise from <i>specify: (amplified music) (refrigeration) (heating) (ventilation) (air conditioning plant) (other)* (delete as appropriate)</i> at the premises from affecting neighbouring noise sensitive properties at ( <i>insert address</i> ). If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then the report shall include a detailed scheme of noise mitigation measures. The report shall be approved in writing by Mid Devon District Council's Public Health Team. All recommended works shall be completed prior to the commencement of the premises licence/club premises certificate* ( <i>delete as appropriate</i> ).
<b>22. Litter &amp; Waste</b>	<b>N65</b>	All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.
	<b>N66</b>	No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway or street furniture, or upon any building, structure, works, tree etc. not in the ownership or control of the Premises Licence Holder, or be distributed to the public.
	<b>N67</b>	All waste shall be properly presented and placed out for collection. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between ( <i>insert</i> ) hours and ( <i>insert</i> ) hours on the following day.
	<b>N68</b>	During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area immediately outside the premises ( <i>from building to edge of kerb *adjust as appropriate</i> ). This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
	<b>N69</b>	No collections of waste or recycling materials (including bottles) from the premises shall take place between ( <i>insert</i> ) hours and ( <i>insert</i> ) hours on the following day.
	<b>N70</b>	Sufficient measures must be in place to remove litter or waste arising from customers and to prevent such litter/waste accumulating in the immediate vicinity of their premises. Where necessary adequate measures must be in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.
	<b>N71</b>	
	<b>N72</b>	All packaging provided with takeaway food must be marked in some way as to show its point of origin (i.e. the premises it is brought from).
<b>N73</b>	Where a mobile unit is regularly removed from site, steps must be taken to ensure that site is properly cleaned and that any accumulations, surface grease etc. is properly cleansed and removed from the site.	
<b>23. Lighting</b>	<b>N74</b>	The use of lighting in ( <i>specify area</i> ) shall cease at ( <i>insert</i> ) hours except for health and safety or security reasons.
	<b>N75</b>	The windows and other glazed areas shall be fitted with heavy duty curtains or similar to prevent light breakout from strobe or other flashing lights equipment.

<b>CONDITIONS RELATING TO PUBLIC SAFETY</b>		
<b>24. Occupancy/ Capacity Limits</b>	<b>S1</b>	No licensable activities shall take at the premises until the capacity of the premises has been determined by the Premises Licence Holder and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
	<b>S2</b>	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed ( <i>number</i> ).
	<b>S3</b>	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed ( <i>number</i> ), subject to the following maximum occupancies: <i>For example</i> [First Floor] [ <i>number</i> ] persons [Ground Floor] [ <i>number</i> ] persons [Basement] [ <i>number</i> ] persons
	<b>S4</b>	Seating for no less than ( <i>insert number</i> ) persons shall be provided in the premises at all times the premises are in operation.
	<b>S5</b>	Seating for no less than ( <i>insert</i> ) % of the maximum occupancy shall be provided in the premises at all times the premises are in operation.
	<b>S6</b>	The Premises Licence Holder or nominated person shall ensure that the accommodation limit(s) specified on the licence is/are not exceeded and shall be aware of the number of the people on the premises at all reasonable times. This information shall be immediately available on the request of an authorised officer of a responsible authority.
	<b>S7</b>	A suitable system must be in place to accurately indicate the number of customers (including staff, entertainers etc.) on the premises at any time.
	<b>S8</b>	Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.
	<b>S9</b>	Manual and automatic electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.
<b>25. Sanitary Facilities</b>	<b>S10</b>	In respect of temporary sanitary facilities the servicing of sanitary accommodation must take place on a continuous basis throughout the event to ensure the sanitary accommodation is kept in a usable condition at all times when the public require it to be available.
	<b>S11</b>	In respect of temporary sanitary facilities the removal of sewage must take place hygienically and appropriately at the conclusion of the event or as required.
<b>26. Lighting</b>	<b>S12</b>	In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.
<b>27. Air Conditioning</b>	<b>S13</b>	A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment. (The purpose of this condition is to maintain a reasonable internal air temperature so as to avoid patrons or staff opening windows and doors to ventilate the premises. Additional conditions are in place to prevent the opening of windows and doors to minimise noise breakout).
<b>28. Queuing</b>	<b>S14</b>	Barriers / guards will be available where queues for entry can be envisaged. These must be arranged so as to control patrons, keep the pavements clear, and ensure that queues do not impact on means of escape in case of fire.
	<b>S15</b>	Queuing outside the premises shall be restricted to a designated area located at ( <i>specify location</i> ).
	<b>S16</b>	Door supervisors will be properly briefed and trained to manage queues in a safe and efficient manner.
<b>29. Glassware &amp; Bottles</b>	<b>S17</b>	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers.
	<b>S18</b>	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers from the ( <i>specify areas</i> ).
	<b>S19</b>	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers during the following events or occasions ( <i>enter specified events</i> ).
	<b>S20</b>	Except for the sale of a bottle of wine for consumption with a meal in the ( <i>designate area</i>



		<i>of the premises</i> ), 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 service away from the bar.
	<b>S21</b>	No drinking vessel, glass or bottle may be taken from the premises.
	<b>S22</b>	No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public.
	<b>S23</b>	The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
	<b>S24</b>	Bottle bins shall be provided at the exit doors and staff shall take steps to prevent bottles and glasses being taken from the premises.
	<b>S25</b>	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

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<b>CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM</b>		
<b>30. Proof of Age Scheme</b>	<b>C1</b>	All bar staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack (or equivalent), prior to undertaking the sale of alcohol and then at least every <i>(insert)</i> months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.
	<b>C2</b>	There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a <i>Challenge 21 / 25*</i> ( <i>delete as appropriate</i> ) proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under <i>(21/25)*</i> years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be: <ul style="list-style-type: none"> <li>- A photo driving licence</li> <li>- A passport</li> <li>- An identification card carrying the PASS hologram</li> </ul> <p>Unless such identification is produced the sale of alcohol must be refused.</p> <p>This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.</p>
	<b>C3</b>	The premises shall display prominent signage indicating ( <i>at any point of sale/ at the entrance to the premises/ in all areas where alcohol is located</i> )* ( <i>delete as appropriate</i> ) that a Challenge <i>(21/25)</i> scheme is in operation.
<b>31. Refusals Register</b>	<b>C4</b>	An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include: <ul style="list-style-type: none"> <li>i. the date and time of refusal</li> <li>ii. the reason for refusal</li> <li>iii. details of the person refusing the sale</li> <li>iv. description of the customer</li> <li>v. any other relevant observations.</li> </ul> <p>The refusals register will be made available for inspection and copying on the request of an authorised officer of a responsible authority.</p> <p>All entries must be made within 24 hours of the refusal.</p>
<b>32. Unaccompanied Children</b>	<b>C5</b>	Unaccompanied children (under <i>insert age</i> ) will not be allowed upon the premises at any time.
	<b>C6</b>	Accompanied children (under <i>insert age</i> ) will only be allowed to remain on the premises between ( <i>insert</i> ) hours and ( <i>insert</i> ) hours.
	<b>C7</b>	No person under the age of ( <i>insert age</i> ) years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied
<b>33. Till Prompt System</b>	<b>C8</b>	All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
<b>34. Films</b>	<b>C9</b>	Notwithstanding the mandatory condition imposed by Section 20 of the Licensing Act 2003 (above) the exhibition of films pursuant to this <i>licence/certificate*</i> ( <i>delete as appropriate</i> ) will be restricted to films that have been classified as Universal (U) or Parental Guidance (PG) by the designated film classification body.
<b>35. Nudity and Sexual Entertainment</b>	<b>C10</b>	( <i>Other than in hotel bedrooms</i> ) there shall be no striptease or nudity, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
	<b>C11</b>	No person under the age of 18 will be permitted to enter or remain on the premises when any “specified activity” is taking place. Specified activities are:

		<ul style="list-style-type: none"> <li>• Any live performance; or</li> <li>• Any live display of nudity;</li> <li>• Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).</li> </ul> <p>Display of nudity means:</p> <ul style="list-style-type: none"> <li>• In the case of a women, exposure of her nipples, pubic area, genitals or anus; and</li> <li>• In the case of a man, exposure of his pubic area, genitals or anus</li> </ul>
	<b>C12</b>	When any specified activity ( <i>as defined in condition C11</i> ) is taking place, all windows and doors of the premises which would allow those outside to see inside where the activity is to take place, must be blocked out.

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<b>CONDITIONS RELATING TO ONLINE SALES OF ALCOHOL</b>		
<b>36. Ordering</b>	<b>O1</b>	Alcohol can only be ordered for delivery to a residential or business address and not to a public place.
	<b>O2</b>	Alcohol can only be ordered for delivery to the person placing the order.
	<b>O3</b>	Full address details, including postcode, must be given when placing an online order for alcohol.
	<b>O4</b>	At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
	<b>O5</b>	Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.
	<b>O6</b>	All licence conditions pertaining to the online sale of alcohol must be part of the 'Terms and Conditions' which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances.
<b>37. Delivery</b>	<b>O7</b>	Delivery times for delivery of online orders of alcohol will be restricted between the following hours ( <i>insert hours</i> ).
	<b>O8</b>	Drivers will not deliver alcohol to any person anywhere other than at the residential address given when the order was placed.
	<b>O9</b>	Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card (if used).
	<b>O10</b>	Alcohol delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
	<b>O11</b>	If a delivery driver considers the recipient of alcohol to appear under 25, recognised photographic identification (refer to mandatory conditions) will be requested and must be provided evidencing the recipient to be at least 18 years of age before any alcohol is handed over.
	<b>O12</b>	Alcohol delivery will be refused if the delivery driver believes that the alcohol was purchased on behalf of another person who is not 18 years or over.
	<b>O13</b>	When executing a delivery of alcohol only pre-ordered alcohol may be carried by the delivery vehicle.
<b>38. General</b>	<b>O14</b>	All alcohol delivery drivers will be 18 years or over.
	<b>O15</b>	All alcohol deliveries must be recorded contemporaneously by the driver in a legible log (kept at the premises for 12 months and available for inspection and copying on request of an authorised officer of a responsible authority) to contain: <ul style="list-style-type: none"> <li>i. Name and address of person placing an order for alcohol</li> <li>ii. Full delivery address</li> <li>iii. Time and date alcohol delivered</li> <li>iv. Signature of the person taking delivery of alcohol</li> <li>v. Form of proof of age (where applicable)</li> <li>vi. If delivery refused, basis for refusal</li> <li>vii. Delivery person's name and signature</li> </ul>
	<b>O16</b>	A refusal/incident/accident book(s) must be kept at the licensed premises and in each delivery vehicle.
	<b>O17</b>	Training surrounding the procedures for online alcohol orders and alcohol deliveries will be undertaken.  Training shall be recorded in documentary form and shall be regularly refreshed at no greater than ( <i>insert</i> ) intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

		Training records will be retained for at least 12 months.
	<b>O20</b>	No cash sales for alcohol purchased by an online method will be made.  OR  i. Cash orders for alcohol ordered by an online method will be limited to a maximum of £50 per order. ii. Alcohol delivery drivers will make only one delivery per trip. Having made a delivery the driver will return to ( <i>insert location</i> ). This will ensure that the driver never has more than £50 cash at any time. iii. Cash will be put into the glove/fixe security box of the delivery vehicle which will be locked by a key. iv. A photo will be taken by the driver of the customer's photo ID on all cash transactions. A record of the photos will be kept on a computer database. Terms and conditions will state that a picture will be taken of the ID provided on cash payments only and that there will be full compliance with the Data Protection Act (or subsequent relevant legislation).

<b>GENERAL CONDITIONS</b>		
<b>39. Duplicate licences</b>	<b>G1</b>	No licensable activities shall take place at the premises until <i>premises licence/club premises certificate*</i> ( <i>delete as appropriate and insert number</i> ) has been surrendered (and is incapable of resurrection).
<b>40. Seasonal Timings</b>	<b>G2</b>	The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
	<b>G3</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00hrs.



## **LICENSING ACT 2003**

# **Code of good practice for licensed premises**

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## **1.0 Introduction**

1.1 As the Licensing Authority, we wish to assist applicants and licence holders in operating safe and enjoyable premises. We fully appreciate the positive impact that your premises can have on residents and visitors to Mid Devon and we are committed to:

- Providing help and advice if you need it during the application process
- Providing help and advice once a licence has been granted
- Providing clear feedback to premises when issues have been identified (this may be following a complaint or an inspection) which sets out actions or processes that would be beneficial
- Taking appropriate and required action in order to promote the four licensing objectives

1.2 We licence a variety of premises in Mid Devon, including breweries, village halls, pubs, off-licences, restaurants, members clubs, takeaways and night-clubs. The potential risks associated with these premises are all different and it is important to remember that your business is specific to you. Because of this, not all of the suggestions and advice in this document will apply to you directly. However, by reading this document, you will have a better idea of the potential issues you need to be aware of.

## **2.0 The Licensing Act 2003**

2.1 The Licensing Act 2003 requires that all premises promote the four licensing objectives and although this code of good practice is not statutory, it does include practical information on how premises can demonstrate they are promoting the four licensing objectives. The four licensing objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm



### **3.0 Risks identified at your licensed premises**

3.1 This document identifies some of the potential risks that you should consider and offers suggestions of good practice methods. It is important to remember that all premises are different and we recommend that you risk assess your own premises to decide what specific measures are relevant to you.

3.2 Additionally, you should also consider any one off or less frequent events you may hold that require additional safeguards in place to promote the licensing objectives.

### **4.0 Conditions on a licence**

4.1 Since the introduction of the Licensing Act, knowledge on conditions has developed and it may be that some existing conditions on licences are no longer considered enforceable. However, it is important to remember that premises must still operate in a way that promotes the four licensing objectives, regardless of whether or not specific conditions are on the licence itself.

4.2 Conditions on a licence must be appropriate, precise, enforceable, proportionate and clear. Additionally, they must be tailored to the premises and cannot duplicate other statutory requirements.

4.3 The information in this document is not worded in such a way as to be applied directly on to a licence as conditions. The idea of this document is to promote good practice within premises regardless of conditions applied to a licence. However, you should be aware that if any of the best practice advice in this document is reflective of actual conditions on your licence then you need to comply with them.

### **5.0 How this code will be used and by who?**

5.1 The information in this code of good practice should not be considered as standard requirements for all premises. It is very important that each premises is considered on its own individual merits and only relevant and required actions are requested and / or expected of them.

5.2 The document is broken down in to sections that cover each of the four licensing objectives. It is hoped that this allows specific areas of interest to be identified quickly.

Within these sections areas of risk are identified within a table, next to which are measures you may wish to consider addressing or implementing. Each potential good practice measure is then numbered to enable users of the document to reference.

### **Applicants and licence holders**

- 5.3 It is important to take a proactive and preventative approach to managing a licensed premises as this will ensure problems either do not occur to begin with, or if they do, are dealt with quickly.
- 5.4 Applicants should therefore read this document before submitting an application. It is considered a good starting point in assessing the potential risks of your premises. The identification of a risk will not necessarily warrant a condition on a licence. Additionally, licence holders should be familiar with this document as it will highlight any additional operational measures they may need to put in place.

### **The Licensing Authority and Responsible Authorities**

- 5.5 This code is not a statutory document but it may be taken into consideration and used:
- When offering advice to applicants pre-application
  - When offering advice to licence holders in general
  - As a starting point to dealing with licensed premises encountering problems, in order to promote the licensing objectives and address issues
  - When enforcement action is required as a result of continued issues with premises not promoting the licensing objectives i.e. reviewing a premises licence

### **Dealing with premises not promoting the four licensing objectives**

- 5.6 Where problems or concerns are identified at a licensed premises this will be addressed as early as possible by the licensing authority. We aim to work in partnership with licence holders to address issues and we will offer guidance and advice where we can.
- 5.7 The Licensing Authority and Responsible Authorities will agree appropriate measures with licensed premises and this may include points within this code of good practice. This may be in the form of an 'action plan' and will provide a clear framework for actions to be

undertaken. The ultimate aim of this code and its application is to try and avoid the need for formal enforcement action such as a prosecution or review.

## **6.0 Due diligence, working practices and records to keep**

6.1 In brief, due diligence is your ability to show that all reasonable steps to avoid committing an offence were taken. If you can demonstrate the positive action you have taken preventing the offence from occurring, you can site this as a defence should you need to.

6.2 One way to help demonstrate this can be through keeping (and maintaining) documents and records of certain safeguards that are in place. These include (but are not limited to):

- Designated Premises Supervisor (DPS) sale of alcohol authorisation (example attached to this document as **Annex 1**)
- Refusal / incident book (example attached to this document as **Annex 2**)
- Age verification policy (example attached to this document as **Annex 3**)
- Training log (example attached to this document as **Annex 4**)

## 7.0 General – all four licensing objectives

7.1 This section provides guidance on good practice for the general promotion of all four licensing objectives. Licensees and their staff have responsibility for the effective and safe management of their premises and training is a key element of this.

Risk	Good practice measure
<b>Lack of knowledge or understanding of the Licensing Act 2003</b>	<ol style="list-style-type: none"><li><b>1. Well trained staff</b> will contribute to well-run premises and ensure a responsible approach to the sale of alcohol, provision of entertainment and late night refreshment.</li><li><b>2. Formal qualifications</b> for your staff, either to a Personal licence level or to another appropriate standard recognised by bodies would be preferential.</li><li><b>3.</b> All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</li><li><b>4.</b> Training should also be provided on premises specific policies relevant to the operation of the business.</li><li><b>5.</b> Staff should be briefed on licensing conditions that are attached to the premises licence and fully understand the terms of the licence.</li><li><b>6.</b> Records should be kept documenting the above training, including the names of people undertaking it and the date. These records should be made available for inspection by the Police and Licensing Authority.</li></ol>
<b>Sharing of information locally</b>	<ol style="list-style-type: none"><li><b>1. Participation in local Pubwatch</b> schemes enables licence holders to share best practice and information about individuals that they should consider refusing entry to.</li></ol>

## 8.0 Prevention of crime and disorder

- 8.1 This section provides guidance on good practice for the prevention of crime and disorder from licensed premises.
- 8.2 The main causes of crime and disorder in licensed premises arise from inadequate security provisions, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in theft, conflict, violence and anti-social behaviour.
- 8.3 Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make an important difference to the level of alcohol related crime at premises. Such measures should be reflected in the operating schedule.

Risk	Good practice measure
<b>Security in and around the premises</b>	<p><b><u>1. Emergency exits</u></b> should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</p> <p><b><u>2. CCTV should be installed on the premises. The cameras should cover all public areas of the licensed premises, including entry and exit points. Additionally:</u></b></p> <ul style="list-style-type: none"><li><b><u>a) The system should record the correct date and time of images</u></b></li><li><b><u>b) Images should be in real time and stored on hard drive with the ability to copy disks for other agencies, such as the police (in accordance with the Data Protection Act 1998 or any replacement legislation)</u></b></li><li><b><u>c) Images should be stored and accessible for a minimum period of 14 days</u></b></li><li><b><u>d) Relevant staff should be trained in the</u></b></li></ul>

maintenance and operation of such systems with a record of kept of the date and name of the person trained. Records should be made available for inspection by the police or licensing authority

e) A trained member of staff should be on duty to operate the system whenever the premises are open

~~1.~~

~~2. CCTV should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. Additionally:~~

~~a) The system should record the correct date and time of images~~

~~b) Images should be in real time and on hard drive with the availability to copy disks for other agencies, such as the police~~

~~— Images should be stored and accessible for a minimum period of 28 days~~

~~c) Relevant staff should be trained in the maintenance and operation of such systems with a record of kept of the date and name of the person trained. Records should be made available for inspection by the police or licensing authority~~

~~d) A trained member of staff should be on duty to operate the system whenever the premises are open~~

**3. External lighting** provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.

**4. Door staff and / or stewards** should be employed at the venue to supervise admissions and customers

	<p>inside the venue. Additionally:</p> <ol style="list-style-type: none"> <li>5. Any person performing the role of door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed when they are working</li> <li>6. Door staff should be easily identifiable by wearing a uniform, high visibility clothes or arm bands.</li> <li>7. Door staff should sign in to a register detailing their full SIA licence number, their name, contact details and the time and date that their duty commenced and concluded.</li> <li>8. Stewards and other staff at the premises should also be easily identifiable. Stewards should not be used for supervision of the door.</li> <li>9. <b>Daily staff briefing and debriefing</b> will enable licence holders to improve working practices in their premises. These briefings can be informal but any problems identified and remedial action taken should be recorded with records kept on the premises.</li> </ol>
<p><b>Crime including conflict, violence or aggression in and around the premises</b></p>	<ol style="list-style-type: none"> <li>1. <b>Proper management of the door</b> will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment, taking into account the size of the premises and the type of crowd that the venue is likely to attract. If door staff are required, a minimum of two should be employed.</li> <li>2. <b>A door admissions policy</b> including any age restrictions and searches should be well publicised on any promotional material and at the entrance of the premises itself.</li> <li>3. <b>Ejecting or refusing entry to persons</b> from the premises if they do not meet your admissions</li> </ol>

	<p>standards or if they are known to be violent or aggressive. In such cases, an entry should be made in the incident log book.</p> <p><b>4. Policy to manage capacity</b> should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p><b>5. Alternatives to glass drinking vessels</b> should be considered to prevent glassware being used as an assault weapon. Where alternatives are not used, a robust glass collection policy should be in place. This should include regular collections by staff and the prevention of glassware being removed from the premises.</p> <p><b>6. Staff training</b> in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations. Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>Records should be kept of the date and name of the person trained. Records should be made available for inspection by the police and licensing authority.</p>
<p><b>Drugs and weapons being brought into the premises</b></p>	<p><b>1. A zero tolerance policy</b> to the use of drugs and carrying weapons in the premises should be adopted. Posters can be displayed throughout the premises to remind customers of the zero tolerance policy, especially in the toilet areas of the premises.</p> <p><b>2. Effective search policies</b> will minimise the opportunity for drugs and weapons to be brought into licensed premises.</p> <p><b>3. Calling the police</b> if customers are suspected of being in possession of drugs or weapons. All staff must be made aware of this requirement.</p>



	<p><b>4. Supervising toilet areas</b> can be effective in discouraging drug selling or use. This could be checks by security or staff every 30 to 60 minutes and may include swabbing of surfaces. Where checks are conducted the time, date and findings should be recorded.</p> <p>Removal of flat surfaces in toilet areas can reduce the likeliness of drug misuse.</p> <p><b>5. Drug awareness training</b> should be provided to all staff. A record should be kept of the date and name of the person trained. Records should be made available for inspection by the police or licensing authority.</p>
<p><b>Disorder from customers queuing to enter the premises or when leaving the premises</b></p>	<p><b>1. Reduce the potential for excessive queue lines</b> with a well-managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. If searches are required, they should be conducted as quickly and effectively as possible.</p> <p><b>2. A customer dispersal</b> policy can minimise the potential for disorder from customers leaving the premises. The policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.</p> <p><b>3. Sufficient numbers of staff</b> should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p><b>4. Staff training</b> in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations. Records should be kept of the date and name of person trained. Records</p>

	<p>should be made available for inspection by the police or licensing authority.</p>
<p><b>Customers getting drunk and drunken customers</b></p>	<ol style="list-style-type: none"> <li data-bbox="544 253 1426 656"> <p><b>1. Drinks promotions</b> should be socially responsible and not encourage excessive drinking. A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes (i.e. the British Beer and Pub Association (BBPA) and The Portman Group). This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p> </li> <li data-bbox="544 696 1426 891"> <p><b>2. Staff training</b> on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> </li> <li data-bbox="544 931 1426 1182"> <p><b>3. Staff should be aware of their responsibilities under the Licensing Act 2003</b> and be able to recognise appropriate ‘cut off’ points for serving potentially drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> </li> <li data-bbox="544 1223 1426 1518"> <p><b>4. Duty of care policy</b> regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p> </li> <li data-bbox="544 1559 1426 1704"> <p><b>5. Drink-aware posters</b> can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p> </li> </ol>

## 9.0 **Public safety**

9.1 This section provides guidance on good practice for the promotion of public safety at licensed premises.

9.2 The carrying on of licensable activities, in particular the sale of alcohol and certain forms of entertainment can increase the risks to the safety of the public (including performers) attending licensed premises.

Risk	Good practice measure
<b>General safety of staff and customers</b>	<ol style="list-style-type: none"><li><b>1. A Full risk assessment</b> taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. Templates can be found on the Health and Safety Executive website and on the Communities and Local Government website. Furthermore:<ol style="list-style-type: none"><li>a) The risk assessment should be regularly reviewed, (at least every 12 months)</li><li>b) All staff should be made aware of the risk assessment and precautionary measures to take</li><li>c) A copy of the risk assessment should be kept at the premises and made available for inspection</li></ol></li><li><b>2. Trained first aider(s)</b> with a recognised qualification should be on duty when the premises licence is in use.</li><li><b>3. First aid room or quiet room</b> should be made available to anyone requiring medical attention.</li><li><b>4. Temperature levels</b> and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. In larger venues where people are dancing air condition can be used.</li></ol>

<p><b>Overcrowding</b></p>	<p><b>1. A policy to manage the capacity</b> should be adopted to prevent overcrowding and localised overcrowding. Additionally:</p> <p>a) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate</p> <p>b) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>
<p><b>Accumulation and disposal of glasses / drinking vessels</b></p>	<p><b>1. A glass collection policy</b> (if glass is used) should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p><b>2. Perimeter checks</b> should be made outside the premises for any glasses or bottles. All staff must be made aware of the glass collection policy and their responsibility for the task.</p> <p><b>3. Spillages and broken glass</b> should be cleaned up immediately to prevent floors from becoming slippery and unsafe.</p> <p><b>4. The use of plastic or polycarbonate glasses</b> may be appropriate.</p>
<p><b>Drug use or drink spiking</b></p>	<p><b>1. A zero tolerance policy</b> to the use of drugs in the premises should be adopted.</p> <p><b>2. Posters</b> can be displayed throughout the premises to remind customers of the zero tolerance policy.</p> <p><b>3. A duty of care policy</b> regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide</p>

	<p>medical attention where necessary. All staff must be briefed on the policy. A record should be kept of the date and name of person trained.</p> <p><b>4. Prevent the possibility of drink spiking</b> by offering various anti drink spiking products to customers.</p> <p><b>5.</b> If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.</p>
<p><b>Safety of customers when leaving the premises</b></p>	<p><b>1. ‘Chill out’ area</b> should be provided. This should be cooler and quieter than the rest of the venue.</p> <p><b>2. First Aid Room</b> may also be made available.</p> <p><b>3. A ‘chill out’ or wind down period</b> at the end of an evening can ensure a slow dispersal from the premises allowing door staff to gain a handle on problem individuals.</p> <p><b>4. Provision of food and non-alcoholic drinks</b> during a chill out period can be effective in allowing customers to sober up before leaving the premises.</p> <p><b>5. Increased lighting inside the premises</b> should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.</p> <p><b>6. Increased external lighting</b> particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours.</p>

## 10.0 Prevention of public nuisance

- 10.1 This section provides guidance on good practice for the prevention and management of public nuisance from licensed premises.
- 10.2 Where entertainment or other potentially noisy activity is planned, a noise assessment should be carried out. For some premises, the assessment will need to be carried out by a suitably qualified consultant.
- 10.3 Consideration should be given to the structure and layout of the premises and equipment both internally and externally, to ensure that the premises are fit for purpose. Sound attenuation measures can include wall linings, acoustic curtains and acoustic treatment to mechanical ventilation or air conditioning systems. Consideration should also be given to historical noise problems at the premises with measures put in place to prevent them from recurring.
- 10.4 Licence holders should have clear documented policies and procedures in place which identify all public nuisance risks associated with their premises and measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents and businesses on a regular basis to ensure that they are being good neighbours and dealing with problems as they arise.

Risk	Good practice measure
<b>Entertainment and crowd noise</b>	<ol style="list-style-type: none"><li data-bbox="544 1352 1430 1547">1. <b>A noise management policy</b> should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.</li><li data-bbox="544 1585 1430 1731">2. It may be necessary to have an <b>assessment undertaken by an acoustic consultant</b> and base the policy on this.</li><li data-bbox="544 1769 1430 1960">3. <b>All staff should be trained</b> on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by</li></ol>

the licensing authority or environmental health responsible authority.

4. DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.
5. **Windows and doors should be kept closed** whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.
6. **Windows should be sound insulated.** Emergency exits should be sealed acoustic doors. A lobbied area should be provided at the entrance and exit to the premises. Doors should be fitted with self-closing devices.
7. **Sound limiting device** should be installed, set and sealed at a level approved by an acoustic consultant. The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events. Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.
8. **Locate entertainment facilities** such as DJ booth, stage and loud speakers away from doors and windows. Rubber speaker mounts can be used to minimise structure borne noise.
9. **Methods for monitoring noise** should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder/staff to a detailed measurement taken by a qualified consultant using sound measuring equipment. Noise monitoring should actively be carried out on a regular basis and in particular when a

	<p>new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made about the venue.</p> <p><b>10. A log book</b> should be kept of any noise monitoring carried out, the findings and any action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint. The log book should be made available for inspection by the licensing authority or environmental health as a responsible authority.</p> <p><b>11. A contact telephone number</b> should be made available to local residents and businesses which they can use to report noise disturbances to a responsible person at the venue. The phone line should be available at all times the premises are open.</p> <p><b>12. Reduce the potential for excessive queue lines</b> with a well-managed and efficient door policy.</p> <p><b>13. Long queues</b> should be avoided and any queues should be directed away from residential properties.</p> <p><b>14. Queues should be actively managed by door staff</b>, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people outside should not be tolerated. Door staff should refuse entry to anyone behaving in an anti-social way.</p>
<p><b>Noise in external areas such as beer gardens or smoking areas</b></p>	<p><b>1. Customer dispersal policy</b> can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p><b>2. A gradual change in music style and reduction in volume</b>, for example quiet or mellow music towards</p>



the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.

- 3. Sufficient staff** should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.
- 4. Display prominent notices** close to the exit doors, requesting patrons to leave the premises quickly and quietly.
- 5. Display notices** in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.
- 6. Make announcements** at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.
- 7.** Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.
- 8. Display prominent signs** in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.
- 9. Restrict the use of external areas** after a certain time if premises are in a residential area.
- 10. Door supervisors or staff** should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.
- 11. Limit the number of smokers** permitted outside at any one time after a certain time.

	<p><b>12. Discourage smokers</b> from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p><b>13.</b> Locate smoking areas away from residential premises.</p> <p><b>14.</b> Do not permit customers to congregate on and block the public highway to passers-by.</p>
<p><b>Noise and disturbance caused by deliveries, collections and waste disposal</b></p>	<p><b>1. Commercial deliveries, collections and storage/ disposal of waste</b>, including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 8am and 7pm Monday to Friday.</p>
<p><b>Litter and waste around the premises</b></p>	<p><b>1. Flyers should not be distributed outside the premises</b> by the licence holder or any staff employed by the licence holder.</p> <p><b>2. If flyers are distributed</b> they should be littered picked at the end of trading.</p> <p><b>3. Procedures should be in place</b> for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.</p> <p><b>4. Regular patrols</b> of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</p> <p><b>5.</b> Use wall or floor mounted cigarette bins in designated smoking areas for customers.</p>

## 11.0 Protection of children from harm

- 11.1 This section provides guidance on good practice for the protection of children from harm at licensed premises.
- 11.2 The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises or in the local vicinity.
- 11.3 Licence holders should have clear documented policies and procedures in place which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.

Risk	Good practice measure
<b>Children accessing licensed premises</b>	<ol style="list-style-type: none"><li data-bbox="544 848 1431 1256"><b>1. A documented policy</b> setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises. All staff including door staff and bar staff should be trained on the policy.</li><li data-bbox="544 1312 1431 1559"><b>2. Restrict access to children</b> depending on the nature of the business and / or circumstances. The admission of children can be restricted up until a specified time in the evening. The admittance of children can only be permitted if they are accompanied by an adult.</li></ol>
<b>Underage sales of alcohol</b>	<ol style="list-style-type: none"><li data-bbox="544 1630 1431 1877"><b>1. Operate a strict ‘No ID – No Sale’ policy. A ‘Challenge XX’ scheme</b> serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</li></ol>

2. **'Challenge 25'** scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.
3. **Only accept photographic** driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID.
4. **Use till prompts** to remind staff to ask for proof of age.
5. **Prominently advertise the scheme** in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.
6. **Display posters at the premises** stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).
7. **Keep a refusals book** (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.
8. The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book should be made available to Police and Licensing Authority on request. The book should be reviewed on a regular basis to see if any patterns emerge.
9. **Staff training** in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary. A

	record should be kept of the date and name of person trained.
<b>Access to age restricted films.</b>	<b>1. Adequate provisions for restricting children</b> from viewing age restricted films should be in place at the premises. Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC) or the Local Authorities classification.

**ANNEX 1: Designated Premises Supervisor (DPS)**

**Sale of alcohol - staff authorisation form (example)**

I, ....., DPS of .....  
hereby authorise the following person(s) to sell alcohol under the Licensing Act 2003 on these premises at any time during the permitted hours and in accordance with the premises licence. This authority applies whether or not I, or any other Personal Licence holder, are present on the premises at the time of the sale or supply of alcohol. I can confirm these persons have been made aware of his/her legal responsibilities under the Act.

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

We sign below in the knowledge that it is an offence to:

- Knowingly sell, attempt to sell or allow the sale of alcohol to a person who is drunk.
- Sell alcohol to a person under 18 years of age.
- Allow licensable activities to be conducted otherwise than in accordance with the premises licence and the conditions it contains.

I also understand that I require individuals who appear to me to be under *18 years of age (or any older age as may be specified in the premises licence holders age verification policy)* to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

## **ANNEX 2: Refusal / Incident Book (example)**

<b>Date</b>	<b>Time</b>	<b>Product</b>	<b>Reason for Refusal / Description of incident</b>	<b>Description of Person / Action taken</b>	<b>Name and Signature</b>	<b>Date record checked and signed by DPS</b>
<i>Example</i> 01.01.2018	19:32	<i>Pint of Carlsberg</i>	<i>Refused sale: Customer unable to supply proof of age on request.</i>	<i>Female, blonde approx. 16 years of age, red jacket.</i>	<i>John Smith (Signature)</i>	<i>05.01.2018 (signature)</i>
<i>Example</i> 13.02.2018	16:52	<i>Double Whiskey</i>	<i>Refused sale to customer who was drunk. Customer reacted to refusal by shouting at staff members. Was asked to leave store and police called.</i>	<i>Male, early 40's, Grey t-shirt, jeans and beard.</i>	<i>Sarah Jones (signature)</i>	<i>15.02.2018 (signature)</i>

**ANNEX 3: Premises Age Verification Policy (example)**

Name and address of premises: .....  
.....  
.....

Name of premises licence holder: .....

Name of designated premises supervisor: .....

**1.** The premises licence holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person to be under the age of 18 years of age (or under the age specified in any applicable Challenge 21 / 25 policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark. This can include, for example:

- A photo card driving licence
- A passport
- A proof of age card bearing the PASS hologram

**2.** For the purposes of this policy the following are considered to be responsible persons:

- the holder of the premises licence;
- the designated premises supervisor;
- a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18; or
- a member or officer of a club present on the club premises in a capacity which enables him or her to prevent the supply in question.

**3.** The premises licence holder must ensure that staff (in particular staff who are involved in the supply of alcohol) are made aware of the existence and content of this age verification policy.

Signed ..... (Premises licence holder)

Date .....



**ANNEX 4: Training log (example)**

<b>NAME:</b>		
<b>SUBJECT:</b>	<ul style="list-style-type: none"> <li>• The Licensing Act 2003</li> <li>• The promotion of the licensing objectives</li> <li>• The premises licence activities</li> <li>• The premises licence conditions</li> <li>• DPS Authorisations</li> <li>• The premises age verification policy</li> <li>• The refusals/incident book</li> <li>• Offences under the Licensing Act 2003</li> </ul>	<ul style="list-style-type: none"> <li>• How to deal with difficult customers</li> <li>• Noise Impact Assessment</li> <li>• Drugs Policy</li> <li>• Dispersal Policy</li> <li>• Health and Safety in the workplace</li> <li>• First Aid</li> <li>• Emergency Evacuation Procedures</li> </ul>
<b>Relevant training material:</b>	<i>List any documents or policies that have been included in the training. Examples may include:</i>	
	<ul style="list-style-type: none"> <li>• <i>Any internal policies / documents</i></li> <li>• <i>Section 182 Licensing Act Guidance</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>The Licensing Act (relevant parts)</i></li> <li>• <i>Best practice advice</i></li> </ul>

I, ..... have read and fully understand the attached documents.

Date ..... Managers signature .....

Training review information:

<b>Review 1 Notes:</b>		
<b>Date:</b>	<b>Staff signature:</b>	<b>Managers signature:</b>
<b>Review 2 Notes:</b>		
<b>Date:</b>	<b>Staff signature:</b>	<b>Managers signature:</b>