

### ANNEX A

1. Pool of conditions
  - 1.1 Guidance issued under section 182 of the Act outlines a number of conditions that may be used to promote the four objectives. Whilst this list is not exhaustive it is an indication to applicants of the conditions that may be considered appropriate in individual cases.
  - 1.2 It should be noted that in addition to any relevant conditions placed on a premise that it is unlawful under the 2003 Act:
    - (i) to knowingly sell or supply or attempt to sell or supply alcohol to a person who is drunk
    - (ii) to knowingly allow disorderly conduct on licensed premises
    - (iii) for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
    - (iv) To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements will therefore be unnecessary

2. Conditions relating to Crime and Disorder
  - (a) Text/radio Pagers
    - 2.1 In cases where it is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:
      - (i) The text/pager equipment is kept in working order at all times;
      - (ii) The pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
      - (iii) Any police instructions/directions are complied with whenever given; and
      - (iv) All instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
    - (b) Door Supervisors (registered with the Security Industries Authority)
      - 2.2 The Local Authority recognises that in applications where door supervisors are referred to in the operating schedule conditions relating to door supervisors are mandatory. Where conditions are attached relating to the provision of door supervisors and security they may be valuable in:
        - (i) Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;

- (ii) Keeping out excluded individuals (subject to court bans or bans imposed by licence holder);
  - (iii) Searching and excluding those suspected of carrying illegal drugs or carrying offensive weapons and;
  - (iv) Maintaining orderly queuing outside venues
- 2.3 Where door supervisors are to be a condition of a licence they are required to be licensed through the Security Industries Authority in line with the Securities Industry Act 2000.
- (c) Bottle bans
- 2.4 It is recognised that glass vessels (i.e. bottles and glasses) may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:
- (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
  - (ii) No customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
- 2.5 In appropriate circumstances conditions may exempt bottles containing wine or similar sold for consumption with a table meal by customers who are seated in a separate area from the bar.
- (d) Open containers not to be taken from the premises
- 2.6 Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises.
- 2.7 Consideration should be given to conditions preventing customers from taking alcoholic and other drinks from the premises in open containers such as cans, bottles or glasses to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.
- 2.8 Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance.
- (e) CCTV
- 2.9 The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may include:
- (i) The need to have CCTV cameras on the premises
  - (ii) The precise positioning of each camera
  - (iii) The requirement to maintain cameras in good working order
  - (iv) The requirement to retain recordings for an appropriate period.

Other conditions that may be considered relevant to promote the reduction of crime and disorder may include:

- (i) Restriction on drinking areas

- (ii) Capacity limits
  - (iii) Proof of age cards
  - (iv) Crime prevention notices
  - (v) Signage at or immediately outside the premises
  - (vi) Use of plastic containers and toughened glass
3. Conditions relating to the protection of children from harm
- (a) Age Restrictions – specific
- 3.1 The hours of day during which age restrictions may or may not apply. For example, the fact that adult entertainment may be present at premises in the evening does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
4. Conditions relating to the prevention of public nuisance
- 4.1 Consideration may be given to conditions that ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.
- 4.2 The following conditions may be considered:
- (a) A simple requirement to keep doors and windows at the premises closed;
  - (b) Limiting live music to a particular area of the building;
  - (c) Moving the location and direction of speakers away from external walls or walls that abut private premises;
  - (d) Installation of acoustic curtains;
  - (e) Fitting of rubber seals to doorways;
  - (f) Installation of rubber speaker mounts;
  - (g) Requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
  - (h) Require the licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
  - (i) Require noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful)
  - (j) Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
  - (k) The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding areas, are restricted.
  - (l) The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
  - (m) Noxious smells from the licensed premises are not permitted (subject to existing legislation not providing adequate measures) so as not to cause a nuisance to nearby properties and the premises are properly vented.
  - (n) Flashing or particularly bright lights on or outside licensed premises (any such condition must be balanced against the benefits of providing lighting to promote the prevention of crime and disorder).

#### Hours

- 4.3 The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:

- (a) Conditions may be placed on premises restricting (other than where they are protected by the transitional provisions of the Act) the hours during which premises are permitted to be open to the public or to members and their guests.
- (b) Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times
- (c) Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

## 5. Conditions Relating to Public Safety (including fire safety)

5.1 Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety legislation and 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

Conditions enforcing these arrangements will therefore be unnecessary

5.2 Where existing legislation does not provide adequately for the safety of the public consideration may be given to conditions covering:

- (a) Disabled people
  - (i) Adequate arrangements to enable their safe evacuation in the event of an emergency.
  - (ii) Disabled people on the premises are made aware of those arrangements
- (b) Escape routes
  - (i) All exit doors are easily openable without the use of a key, card, or similar means
  - (ii) Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
  - (iii) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff
  - (iv) All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (For example, electromagnetic releases operated by smoke detectors).
  - (v) Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut.
  - (vi) The edges of treads of steps and stairways are maintained so as to be conspicuous.
  - (vii) Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
  - (viii) Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- (c) Safety Checks

Safety checks are carried out before the admission of the public and details of such checks are kept in a logbook.

- (d) Curtains, Hangings, Decorations and upholstery
  - (i) Hanging, curtains and temporary decorations are maintained in a flame-retardant condition
  - (ii) Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1, and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.
  - (iii) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs, or fire fighting equipment.
  - (iv) Temporary decorations are not used without prior notification to the Licensing Authority/Fire Authority.
- (e) Accommodation limits
  - (i) Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded
  - (ii) The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.