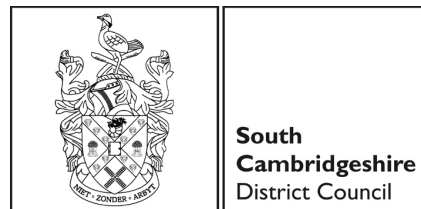


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8 July 2003

To: Chairman – Councillor RE Barrett
Vice-Chairman – Councillor J Shepperson
Members of the Licensing Committee – Councillors EW Bullman, R Driver,
TJ Flanagan, RM Matthews, Mrs JA Muncey, Mrs CAED Murfitt, Dr JPR Orme,
DL Porter, WH Saberton, NJ Scarr, RGR Smith and AW Wyatt MBE

Dear Councillor

You are invited to attend the next meeting of **LICENSING COMMITTEE**, which will be held in the **COUNCIL CHAMBER** at South Cambridgeshire Hall on **WEDNESDAY, 16 JULY 2003** at **10.00 a.m.**

Yours faithfully
GJ HARLOCK
Finance and Resources Director

AGENDA

	PAGES
1. To elect a Chairman of the Committee for the coming year	
2. To appoint a Vice-Chairman of the Committee for the coming year	
3. To authorise the Chairman to sign as a correct record the Minutes of the meeting held on 29th October 2002 (as presented to Council on 5th December 2002)	1 - 2
4. To receive any declarations of interest from Members	
5. Request for Consent Streets, Papworth Everard For decision.	3 - 4
6. Public Entertainment Licensing/Licensing Reform Bill 2003 For information.	5 - 28

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LICENSING COMMITTEE

At a meeting of the Licensing Committee
held on 29th October 2002 at 10am

PRESENT: R Driver - Chairman
RE Barrett – Vice-Chairman

Councillors: EW Bullman, RM Matthews, Mrs JA Muncey, Mrs CAED Murfitt, JPR Orme, WH Saberton, NJ Scarr, J Shepperson and AW Wyatt.

1. MINUTES

The Chairman was authorised to sign as a correct record the Minutes of the meeting held on 22nd July 2002.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

3. ORGANISATION OF LICENSING FUNCTION

The Chief Environmental Health Officer informed Members of the interim arrangements made following the resignation of the environmental health officer responsible for the licensing function until the outcome of the corporate organisational review was known. The arrangements would be kept under review.

4. APPLICATION FOR AN ANNUAL PUBLIC ENTERTAINMENTS LICENCE AT THE KING'S HEAD PUBLIC HOUSE, HIGH STREET, FEN DITTON

The Committee were requested to consider an application for an annual Public Entertainments Licence at the Kings Head Public House, High Street, Fen Ditton.

In addition to the information provided in the agenda, two letters of objection and two letters in support of the application had been received and were tabled at the meeting. A copy of the amended recommendation was also circulated.

The applicant, Mr Ashwood, addressed the meeting in support of his application and confirmed that he accepted the conditions contained in the recommendation.

Mr R Smiley, who resided in the village spoke in support of the application.

Two objectors to the application addressed the meeting. The objectors were concerned about noise from customers leaving the premises; in particular using the footpath to Waddeloes Road and increase in vehicular traffic on the High Street.

Members of the Committee withdrew from the meeting in order to consider the application.

Decision

The Licensing Committee

AGREED that a Public Entertainments Licence be issued until 31st March 2003 in respect of the Kings Head Public House, Fen Ditton, subject to the following conditions:

- (a) that events may take place on the last Friday of each month from 20.00 hours until 23.00 hours, except the last Friday in January;
- (b) Christmas Eve from 20.00 hours until midnight;
- (c) on Christmas Eve, three additional stewards shall be provided from 23.00 hours until 00.30 hours to ensure patrons leave in a quiet and responsible manner;
- (d) New Years Eve from 20.00 hours until 01.00;
- (e) 17th January 2003 (Landlord's birthday party) from 20.00 hours until midnight in place of the last Friday in January;
- (f) all doors and windows to the ground floor bar and lobbies shall be kept shut during events;
- (g) prior to any Public Entertainments event, a self-closing device shall be fitted to the rear doors leading to the toilets and the doors shall be kept shut during the events;
- (h) the recess to the north wall, housing the extractor fan, shall be boarded over with 10mm plywood or similar during an event;
- (i) the applicant shall notify the Licensing Officer of the dates, giving at least a week's notice;
- (j) compliance with the conditions detailed by the Fire Officer.
- (k) no notice boards or notices advertising an entertainment event should be put up or against any church walls. Notices should be displayed prominently at all exits of the public house requesting patrons to keep noise levels to a minimum whilst leaving the premises following each event, and in particular on Christmas Eve.

5. ITEMS FOR INFORMATION

The Licensing Committee **NOTED** the information provided in the agenda relating to:

- (a) The Motor Salvage Operations Regulations
- (b) Consent Street Status
- (c) Hackney Carriage Fares
- (d) Applications for Public Entertainments Licences dealt with since the last meeting
- (e) Applications for Theatre Licences dealt with since the last meeting
- (f) Applications for House-to-House Collections and Street Collections dealt with since the last meeting
- (g) Applications for Grant/Renewal of Private Hire Operators, Drivers and Vehicles dealt with since the last meeting

The meeting closed at 11.45pm

REPORT TO: Licensing Committee
AUTHOR: Chief Environment Health officer

16th July 2003

REQUEST FOR CONSENT STREETS – PAPWORTH EVERARD

Purpose

1. To seek approval for the designation of all streets in the Parish of Papworth Everard to be Consent Streets under the Local Government (Miscellaneous Provisions) Act 1982.

Background

2. Papworth Everard Parish Council requested that the streets in the Parish be designated as Consent Streets in order that trading could be controlled. The Licensing Committee held on the 25th June 2002 agreed to that request.
3. A Notice of Intention to Designate Papworth Everard streets as Consent Streets was published in the local press on 11th October 2002 with a deadline for representations of 11th November 2002. No objections have been received.

Recommendation

4. It is recommended that the Committee resolves to designate the following streets in Papworth Everard as Consent Streets under the terms of the Local Government (Miscellaneous Provisions) Act 1982 and proceeds to advertise the resolution to take effect from 22nd August 2003.

ATHLONE CLOSE	DOWNE CLOSE	PENDRILL COURT
BARONS WAY	ELM WAY	RIDGEWAY
BLYTON ROAD	ERMINE ST NORTH	SCHOOL WALK
BRADBURY COURT	ERMINE ST SOUTH	SOUTHBROOK FIELD
BROOKFIELD ROAD	FARM ROAD	ST GEORGE LANE
BUCKINGHAM COURT	HAMDEN WAY	ST IVES ROAD
BYFIELD ROAD	HAYMANS WAY	ST JOHNS LANE
CAMBRIDGE ROAD	HAYNES OWEN PLACE	ST NEOTS ROAD
CHEQUERS LANE	HOMELEIGH	STIRLING WAY
CHURCH LANE	HUT FIELD LANE	VINTER CLOSE
COW BROOK LANE	LINLITHGOW CLOSE	VARRIER JONES DRIVE
COW BROOK PLACE	MADRYLL COURT	VARRIER JONES PLACE
THE CLOSE	MALORY PLACE	WESTFIELDS
DAINTRY CLOSE	MORDEN ROAD	WIGSTED CLOSE
DE-BECHE CLOSE	MURIEL CLOSE	WIMBISH ROAD
DE-LISLE CLOSE	NORTON CLOSE	WOOD LANE
DE-LA-HAYE CLOSE	OLD PINWOOD WAY	WOODBROOK CLOSE
DENGAINES CLOSE	PAPWORTH WOOD	WOODHEAD PLACE
DOCWRA ROAD	PENDRAGON HILL	

Background Papers: the following background papers were used in the preparation of this report:
NONE

Contact Officer: Juli Stallabrass, Licensing Clerk, Tel: (01223) 443024

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee 16th July 2003
AUTHOR: Chief Environmental Health Officer

**PUBLIC ENTERTAINMENT LICENSING/ LICENSING
REFORM BILL 2003**Purpose

1. To outline to Members the current position relating to public entertainment licensing, and outline future proposed changes

Background information

2. South Cambridgeshire District Council carries out Licensing functions under the Local Government (Miscellaneous Provisions) Act 1982, the Theatres Act 1968, the Cinemas Act 1985 and the Licensing Act 1964. These statutes cover Pubs, Clubs, Theatres and Cinemas.
3. A premise used for Public Entertainment is deemed as a premise that permits dancing, music or other entertainment of a like kind. In essence this covers a wide range of entertainment where there are usually more than two performers. Premises such as places of worship and pleasure fairs are exempt from legislation. The licences cover pubs, nightclubs, Village Halls, certain Colleges and community Centres, restaurants and theatres.
4. The current standard conditions used by South Cambridgeshire District Council are attached as **Appendix A**.
5. Any grant, or variation of a licence has to follow a predetermined procedure and this is laid out within the relevant legislation. Any application can be subject to objection from the general public, Police, Fire Authority or Environmental Health Department
6. When considering an application the Local Authority must consider each application on its individual merits and, therefore, has to be prepared to vary its conditions appropriately. An Authority has to be very careful what considerations are taken into account when either refusing or adding conditions to a licence.
7. The current procedure is that should substantive objections be raised from any persons then a hearing by the Licensing Committee will be organised to hear all sides of the argument in a quasi judicial manner. Should the decision not be in favour of the applicant or conditions be attached then an automatic right of appeal to a Magistrates Court is available. Whilst a Local Authority may prescribe standard conditions subject to which all licences are in general to be granted an applicant is entitled to request that a condition be varied in their case. A rigid adherence to a policy always applying standard conditions would open the Council to a legal challenge.

Considerations

8. Public Entertainment Licensing tends to reflect the changing environment within the evening economy and due to the relaxation in recent years of Liquor licensing laws there has been a steady increase in premises providing entertainment.
9. Central Government has until now given no formal guidance on how Public Entertainment Licensing fits into the wider picture of the evening economy and in general has left it to develop on an ad-hoc basis between the Magistrates Courts and the individual Authorities.
10. The proposed introduction of the Licensing Reform Bill (currently in its final reading in the Commons) will be the result of work by Central Government, Local Authorities and the Local Government Association amongst others. The proposed Bill will reflect the need for change in all aspects of liquor and Public Entertainment Licensing. The outline proposal is that Liquor Licensing (currently administered by the Licensing Magistrates) and Public Entertainment Licensing be amalgamated into one body under the control of Local Authorities. At present it is envisaged that a dual system will run during the period Late-summer 2003 to 2004 when Local Authorities will take full control. Attached at **Appendix B** is a précis handout giving detailed information on the various aspects relating to the Bill.
11. The proposals are for a system of licensing to be set up that licenses both the premises and the licensee individually, it is envisaged that by the introduction of such a system a line of accountability through to the Licensee will be clearer than at present and enforcement will be enhanced.
12. Whilst it cannot be predicted what the exact effect of these changes will have in relation to the future of the evening economy it is clear that it will change the face of the high streets in licensing terms. Officers are at present in dialogue with the Licensing Justices to determine case loads, systems and resources that will be needed to be devoted to licensing and will be considering very carefully the need for a Licensing Policy and Enforcement strategy. It will be a statutory duty for a Local Authority to develop a written policy in respect of Licensing. The Local Authority will have to consult with various outside bodies including Police, Fire Authority, local residents and business in the development of such a policy. Any policy will also have to be reviewed every 3 years.
13. The Licensing Reform Bill will be much more than just a transfer of a decision making Authority. Within the proposals it is expected to give powers to the Local Authorities to vary the hours of trade, access of children, sale of alcohol in open places amongst other things. With these changes in mind officers are already reviewing links between licensing and other bodies including Police, Fire Authority and our own Planning Department. The Authority is a member of the Local Government Association and with their guidance will be considering how to best prepare training packages for members and officers in the near future.

Financial Implications

14. There will be financial implications due to the introduction of this Bill. The 2003/04 budgets estimates included funds to cover possible start up costs including I.T software. The Bill contains provisions for fees (not yet determined) to be set by

Central Government to cover the cost of administering the system, although whether these will be sufficient to cover all related costs remains to be seen.

Legal Implications

15. Any policy decision may be subject to challenge

Staffing Implications

16. All affected premise and liquor licence holders will require licensing over a relative short period of time. Subsequently the regime should settle down, however, there will be a greater administrative burden imposed. The new Licensing Officer employed this year was appointed to help in preparation for this new challenge. It is not possible, however, to gauge whether additional staff will be required until the legislation is finalised and the projected workload including work passed from the Magistrates is included.

Sustainability Implications

17. None arising from this report.

Conclusion

18. Public Entertainment Licensing in general reflects the changes in other policies whether local or national. The recent relaxation in licensing hours has had a direct effect on the nature of licences that are being requested these in turn are reflecting the changing social attitudes towards socialising. In the future there will be scope for Local Authority to link the granting of licences to a policy framework that will encompass planning issues and the needs of residents along with the developing evening economy.

Recommendation

19. That the report be noted.

Background Papers – Local Government (Access to Information) Act 1985

Contact Officer : Myles Bebbington, Licensing Officer, Tel: (01223) 443132

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PUBLIC ENTERTAINMENT LICENCE CONDITIONS

SECTION ONE

DEFINITIONS

In these conditions, unless otherwise specified, the following meanings shall apply:-

Approval of the Council – means approval by consent of the Council in writing.

Competent Electrical Contractor – in connection with electrical installation testing this means an electrical contractor who is a member of the Electrical Contractors Association or who is registered with the National Inspection Council for Electrical Installation Contracting.

Competent Person – in relation to portable appliance electrical testing means having sufficient knowledge of the appliance(s) and training to know the potential defects, electrical knowledge and the precautions necessary to avoid danger to themselves or others.

Council – means South Cambridgeshire District Council

Council Regulations – means the Rules and Conditions for Public Entertainment made by the Council.

County Fire Officer – means the County Fire Officer of the Cambridgeshire Fire and Rescue Service.

Emergency Lighting – means lighting provided for use when the supply to the normal lighting fails.

Exit Signs – means signs and their lighting, obtained from a source which is independent from the general supply of the building, provided to assist the public, performers and staff to leave the premises without the aid of normal lighting.

First Aider – means a fully trained person who has passed a course conducted by an organisation approved for such purposes by the Health and Safety Executive eg St Johns Ambulance, British Red Cross Society, St Andrews Ambulance Association, and has kept the qualification up-to-date.

Indoor Sports – means contests, exhibitions or displays of any sport as an entertainment.

Licensee – means the person or persons to whom a current licence has been granted.

Non-combustible material – means material which is deemed to be non-combustible when tested in accordance with the provisions of the current edition of British Standard 476 Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these regulations.

Normal lighting – means all lighting, other than emergency lighting, permanently installed in those parts of the premises to which the public have access. It includes decorative lighting but not lighting installed solely for advertising purposes.

Officer – means any person authorised in writing by the Council or by the County Fire Officer and any Police Officer.

People with Disabilities – means people with physical, mental or sensory impairment. This includes wheelchair users; people who have difficulty walking; visually impaired people, including those with guide dogs; hearing impaired people, including those who use hearing aids; people with a mental disability or mental illness and people with hidden disabilities such as epilepsy.

Premises – means any premises within the area of South Cambridgeshire District Council to be used for public dancing or music and any other public entertainment of the like kind, or for public indoor sports contests, exhibitions or displays under the terms of a licence granted by the Council, and includes all installations, fittings and things in connection therewith.

Responsible Person – means a person of at least 18 years who has personal overall responsibility for the management of the premises and is deemed to be in charge of the premises when they are open to the public.

Statutory Provisions – any reference to statutory provisions in these licence conditions refers to those in force during the licence period and includes any Primary legislation, Regulations, Orders, Bye-laws or other subsidiary legislation made under them and any enactments amending or replacing them in the future.

Steward – Security Personnel means a person not less than 18 years of age and shall not be the licensee or the responsible person nominated by the licensee.

DISPENSATION OR MODIFICATION OF RULES

- (a) These conditions may be dispensed with or modified only with approval of the Council in any special case (eg in the case of an occasional licence).
- (b) Where, in these conditions, there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be specified.
- (c) If the licensee wishes any of the terms of the licence to be varied, an application must be made to the Council and if the Council so require the application must be advertised.

SECTION TWO

CONDITIONS

Person in Charge

- 1 The licensee, or responsible person over the age of 18 years nominated by him in writing, shall be in charge of and upon the licensed premises during the whole time the premises are open to the public. The person in charge shall not be engaged in any duties which will prevent him from exercising general supervision of the premises. He or she shall be responsible for maintaining good rule and order within the premises under this licence, taking charge of emergency situations and the summoning of emergency services.

Access for Fire and Police Officers and Officers of the Licensing Authority

- 2 An authorised officer representing the Council, the Chief Constable or the County Fire Officer whether in uniform or not shall upon production of written identification have free access to any place in respect of which an entertainment licence is in force at all reasonable times.

Log Book

- 3 A log book shall be provided in which shall be kept accurate records of tests required in these conditions, visits by enforcing officers, and incidents as required in these conditions.
- 4 The log book shall be produced to an officer for inspection on request.

Permitted Hours

- 5 The licensed premises shall not be kept or used for public music or dancing or other public entertainment of a like kind, except between the hours specified in the Schedule attached.
- 6 The licensed premises shall not be kept or used for public dancing or other public entertainment of a like kind on Sunday except with the express permission of the Council operating under the legislation relating to such activities on Sundays. Any application for such permission shall be forwarded to the Council not less than twenty-eight day in advance of the proposed entertainment.
- 7 The Licensee must inform the Council within seven days of any Special Hours Certificate which has been granted under Section 77 of the Licensing Act 1964.

Numbers Admitted

- 8 The numbers admitted are not to exceed those stated in the attached Schedule and as related to the type of function stated.

Emergency Exits

- 9 Exit doors as specified by the County Fire Officer shall open outwards and shall be fitted with a fastening only of a pattern and in a position approved by the County Fire Officer on behalf of the Council.
- 10 The licensed premises shall be provided with sufficient exits to enable the whole of the audience to be cleared from the building within a reasonable time. The number of such exits approved by the Council shall not be less than those stated in the Schedule attached to the licence and they shall be available and unobstructed at all times during the operation of this licence.
- 11 All stairs and steps comprising parts of the means of escape in case of fire shall be maintained with non-slippery and even surfaces.

Emergency Exit Signs

- 12 The premises shall be provided with Emergency Exit signs as specified by the County Fire Officer. They shall be sited in a position not less than 2.06m (6ft. 9ins) from the floor (measured to the base of the sign) wherever possible. Signs must conform to the Health and Safety (Safety Signs and Signals) Regulations 1996. Signs which have a pictogram conforming to BS 5499: Part I 1990 and are directionally correct, are deemed to satisfy. Where the directional arrow is to the left or right the “running person” must be running in the direction of the arrow. **NB Text only signs do not comply.** Existing premises have until December 1998 to comply.

The signs shall be coloured white on a green background, be not less than 100mm (4ins) in height and of proportionate width and shall be illuminated at all times the premises are occupied by: -

- i) Mains electricity; or
 - ii) Emergency lighting supply; or
 - iii) Luminous signs acceptable to the County Fire Officer.
- 13 Where emergency exit signs are illuminated by mains electricity, the emergency lighting supply must be capable of illuminating them on the failure of the local circuit or mains supply in accordance with BS 5266 Part I 1988.
- 14 Where externally illuminated signs are provided, they must be illuminated by an external approved source of emergency lighting.
- 15 All exit signs in any auditorium or public area must be of the same colour and type.

Fire Fighting Equipment

- 16 The number of extinguishing appliances stated in the Schedule attached to the licence shall be provided and maintained in good working order.
- 17 Satisfactory arrangements for the annual maintenance of fire extinguishers and appliances shall be made with a competent person and a test certificate obtained at least once during each twelve month period and be available for inspection by the County Fire Officer and the Council in accordance with BS 5306 Part 3.

Fire Alarms

- 18 Where an automatic or manual fire alarm system has been installed and approved by the County Fire Officer, it shall be maintained and serviced in accordance with BS 5839 (section 4 clause 29) and should be checked prior to each public entertainment event for fault indication and tested at least once a week.
- 19 When a fire alarm system becomes defective, the licensee shall notify the County Fire Officer immediately and shall take immediate steps to repair the system.
- 20 All fire evacuations, checks, tests and defects together with details of remedial action shall be recorded in the premises log book (condition 3)

Gangways and Seating

- 21 At all times during which premises under licence are used when the audience is seated, gangways not less than 1.05m (3ft. 6ins) wide shall be provided leading to the

exit doors, and gangways not less than 1.05m (3ft. 6ins) wide shall be provided intersecting the rows of seats in such manner that no seat shall be more than 3.6m (12ft) from a gangway measured in the line of seating.

- 22 Between the rows of seating there shall be a space of not less than 305mm (12ins) measured from the back of any seat to the front of the seat immediately behind.
- 23 All chairs arranged in rows (concert style) shall be battened together in units of not less than four and not more than twelve.
- 24 No persons other than the licensee, his employees or authorised persons shall be allowed to remain in any passage, gangway or staircase during any performance or entertainment.
- 25 Every gangway, passage or staircase shall, at all times, be kept entirely free from chairs or any other obstruction, including such chairs as are provided for the personal use of the licensee, his employees or authorised persons.

Lighting

- 26 The main lighting throughout the premises shall be by electricity and the lighting points shall be fixed in places approved by the Council on the advice of the County Fire Officer.
- 27 Emergency lighting shall be capable of providing sufficient illumination for the public to leave safely and should be capable of maintaining the required level of illumination for at least two hours.
- 28 All switches controlling the emergency lighting shall have marked immediately below them "EMERGENCY LIGHTING ONLY".
- 29 In the event of the failure of emergency lighting system, all members of the public shall be required to leave and shall not be re-admitted until the emergency lighting is restored.
- 30 All emergency lighting shall be maintained in effective working order whilst public entertainment is taking place.
- 31 Emergency lighting shall be tested at least once in every six month period and a visual check carried out immediately prior to each event. A record of this shall be kept in the log book. Suitable remedial action must be taken to remedy defects found and this shall be recorded in the log book.

Stewarding

- 32 The licensee shall be responsible for ensuring that stewards are capable and suitable to undertake the duties allocated to them.
- 33 All stewards shall wear uniforms, badges, sashes or arm bands so as to be clearly identifiable to members of the public using the premises. Stewards/staff should also ensure that no overcrowding occurs in any part of the premises, that gangways and exits are kept clear at all times, to prevent standing on seats or furniture and to be aware of any special requirement needed to ensure the safe evacuation of the audience/patrons.

34 All stewards/staff shall be given instructions with regard to the method and use of fire extinguishers, the positions of emergency switches and the methods of entrance and exit by both normal and emergency exits. Dates and times of instruction shall be recorded in the log book.

35 Stewards shall be provided as follows: -

a) Premises where the audience is seated:

Number of Persons Present	Number of Stewards Required
Up to 250	1
251 – 500	2
501 – 750	3
751 – 1000	4

and thereafter on the basis of 1 steward per 250 persons.

b) Premises where the audience is not seated

Number of Persons Present	Number of Stewards Required
Up to 100	1
101 – 200	2
201 – 300	3
301 – 400	4

and thereafter on the basis of 1 steward per 100 persons.

36 (a) Where the audience consists wholly or mainly of persons under 14 years, at least one steward shall be provided for every 50 children, or part thereof.

37 (b) Where the audience consists wholly or mainly of persons under the age of 16 years, the number of attendants on duty shall be not less than one for every 100 or part thereof, whether seated or otherwise.

37 The licensing authority reserves the right to increase the number of stewards required, when in its opinion, a particular event or audience necessitates additional stewarding.

Combustible or Flammable Materials

38 A Certificate of Flammability is required by the County Fire Officer for all the items listed below to show their conformity to the British Standard Regulations as described in the Home Office Guide to Fire Precautions in Existing Places of Entertainment or like premises regarding fire testing: -

All scenery, wings, sky borders, cloths, draperies, gauze, artificial floral decorations, properties, hanging curtains and other materials of a like kind or other easily combustible materials or furnishings and as specified by the County Fire Officer, whether on the stage, in the auditorium, or in other parts of the licensed premises, shall be rendered and maintained non-flammable, with the exception of softwood 25mm (1 inch) or over in thickness.

Any inspection carried out by an officer of the Fire Service shall include the right to test the scenery and other items referred to in the previous paragraph above to ensure that this condition is being complied with.

Toilets and Washing Facilities

- 39
- (a) The premises shall be provided with male and female sanitary facilities at least to the appropriate minimum requirements for the type of premises as detailed in British Standard 6465: Part I: 1994.¹ (See Note below)
 - (b) The sanitary accommodation should be internal but where this is found to be impracticable, access should be by a suitable covered passageway.
 - (c) The walls, floors and ceilings of the sanitary accommodation must be finished in smooth impervious materials and maintained in a clean condition.
 - (d) Sanitary accommodation must be provided with permanent and independent ventilation to the external air. Where mechanical ventilation is provided it should provide a minimum of three air changes per hour and be linked to the lighting system in such a manner as to allow an over-run of at least ten minutes.
 - (e) All internal sanitary accommodation must be entered through properly constructed lobbies which must be provided with means of permanent and independent ventilation to the external air. All doors to lobbies must be tight fitting and self-closing. All accommodation must be adequately screened to ensure privacy.
 - (f) Adequate means of artificial lighting must be provided and maintained.
 - (g) Adequate provision should be made in female accommodation for the disposal of sanitary dressings.
 - (h) Wash hand basins must be provided with hot and cold water or hot water at a suitable controlled temperature, soap and suitable and sufficient hand drying facilities.
 - (i) No charge shall be made for the use of toilet and washing facilities.

Alterations to Premises

- 40 No alterations or additions to the premises, either internal or external, shall be carried out except with the prior knowledge and approval of the Council.

¹ Note: A guide to the British Standard is attached as Appendix "A"

Electrical Certificates

- 41 A certificate in the form prescribed for the purpose by the 16th Edition of the Institution of Electrical Engineers Regulations for Electrical Installations (the IEE Wiring Regulations) (BS 671: 1992) in respect of the permanent electrical installation

in the licensed premises, signed by a competent electrical contractor certifying that the permanent electrical installation requires no remedial works or other action, to ensure or determine its safety, shall be available for inspection, on demand, by the licensing authority, for the period for which the premises are licensed. The original of this certificate shall be forwarded by the licensee to the Council every 3 years, or more frequently as specified on the current certificate referred to, or by the District Council. Where remedial works or other action recommended by the competent electrical contractor is brought to the notice of the licensing authority, these shall be carried out within a period of time specified by the licensing authority.

- 42 Electrical circuits serving all areas licensed for public entertainment shall, in addition to the normally required circuit protection, be equipped with sensitive earth leakage protection (residual current operated device) as part of the fixed wiring installation of the premises. The device shall be designed to operate if the earth leakage current exceeds 30 mA and shall have a maximum operating time of 40 milliseconds when tested at 150 mA and 200 milliseconds when tested at 30 mA (in accordance with BS4293). Residual current devices shall be tested at least monthly using the test button on the system and the result of such tests must be recorded in a log book. If the device does not switch off the supply, use of the socket outlet(s) affected should be prohibited until the defect has been rectified by a competent electrical contractor.

Non Permanent Electrical Installations

- 43 A non-permanent electrical installation which is proposed for any particular function shall comply with the current edition of the Institution of Electrical Engineers Regulations for Electrical Installations (the IEE Wiring Regulations) and for that purpose, the licence holder shall provide the Council with a certificate in respect of the non-permanent electrical installation in the form approved by the Institution of Electrical Engineers (BS7671: 1992), not later than 48 hours in advance of the date on which it is to be used, unless it is agreed by the licensing authority that the responsible person may retain the certificate for production on demand by the District Council or County Fire Officer. The certificate must be completed and signed by a competent electrical contractor.
- 44 All such non-permanent installations which have been so approved shall be disconnected from the permanent installation immediately after each occasion on which the installations are used and shall be entirely removed immediately the need for such has ceased.
- 45 Non-permanent wiring shall be carried out using tough rubber sheathed cables or with conductors providing a similar degree of protection.
- 46 No non-permanent electrical installation shall be wired so as to obstruct any exit, passageway, or walkway provided for means of escape or routed or positioned so as to present a tripping hazard.

Portable Electrical Equipment

- 47 Each item of portable electrical equipment and electronic equipment, including leads, shall have a written record of inspection by a competent person, which may be visual and/or testing as appropriate, having regard to its age, initial integrity and soundness, frequency of use, likely abuse of equipment, likelihood of mechanical damage, effect of modifications and repairs, manufacturers recommendations and review of previous

maintenance records. The licence holder should carry out an assessment to determine the frequency of inspection and inspection format that is appropriate for portable appliance testing. Portable appliances must be maintained in a safe condition at all times.

Floor Coverings

- 48 Mats or other floor coverings shall be so secured that they are not in any way liable to rucking, or to be a source of danger to the public, and no drapings shall trail on the floor. New floor coverings must comply with BS 5287 and BS 4790.

Guarding Heating Appliances

- 49 All electric fires, stoves and open fireplaces in the premises shall be provided with adequate protective guards.

Gas Appliances

- 50 Any gas appliances in the premises are required to have been serviced in the last 12 months and a certificate to this effect, including details of what the service entailed, signed by a CORGI (Confederation of Registered Gas Installers) registered gas engineer must be available for inspection on the premises.
- 51 No portable LPG (Liquefied Petroleum Gas) heaters are allowed.

Special Effects Equipment

- 52 No special effects equipment shall be used in the premises under the terms of the licence, unless approved by the relevant designated officer. This includes equipment using a heat source to produce effects, i.e. smoke capsules, pyrotechnics, where the County Fire Officer is designated and generators, lasers and holographs where the Chief Environmental Health Officer is designated.
- 53 Applications for consent to use such special effects shall be made by the licensee in writing at least seven days before the first performance of the entertainment and shall give full details of its proposed use, together with the date and time of any rehearsal.

Hypnotism

- 54 Pursuant to the provisions of the Hypnotism Act 1952, no exhibition, demonstration or performance of hypnotism shall be given on any person at the licensed premises except with the express consent of the Council and in accordance with the conditions attached to such consent.
- 55 Applications for such consent shall be made to the Council at least twenty-eight days before the performance.

Signs on Premises

- 56 There shall be installed on the premises a telephone or a clear notice available to staff indicating the nearest telephone for calling the emergency services. Instructions for calling the emergency services must be posted at each telephone in the licensed premises.

- 57 The current licence and schedule shall be exhibited in a conspicuous position at the principle entrance to the premises at all times to the satisfaction of the Council. The licence and schedule shall be adequately protected against theft vandalism or defacement.

Noise Control

- 58 The licensee or responsible person shall ensure that no noise shall emanate from the licensed premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance or unreasonable disturbance to the occupiers of premises in the vicinity of the licensed premises.
- 59 Requests made by an officer of the Council shall be complied with as soon as practicable. In addition any restriction specified in the schedule to the licence regarding control to be exercised over music shall be implemented by the licensee or responsible person at all times when the premises are open to the public.

Provision for People with Disabilities

- 60 Where it is reasonable to introduce for the first time or make additional provision, access and facilities for the disabled shall be considered.
- 61 On those occasions where people with disabilities are present on the licensed premises such special arrangements as may be necessary in the circumstances shall be made so as to enable all persons to leave the premises safely in the event of fire.

NB: Attention is drawn to the Disability Discrimination Act 1995 which may impose specific duties in relation to those providing goods, facilities and services (and other matters relating to employment and property).

Boxing Tournaments and the like

- 62 Boxing tournaments and the like shall only be staged after adequate consultation with the Council and approval of the seating and exit arrangements. A plan showing the proposed arrangements must be made available to the Council at least one month before the proposed function.

Structural Stability

- 63 The structural elements of the licensed premises eg floors, walls, roof, stairways and balustrading shall be of adequate strength and serviceability having due regard to the loadings imposed under all appropriate working conditions.

Temporary Structures

- 64 Temporary structures such as stands, gantries, marquees or other portable buildings to be used for public entertainment purposes and/or public sporting entertainment must not be erected without prior approval of the Council. Any structure permitted shall be safely constructed and properly maintained throughout the period of use.
- 65 Not less than twenty-eight days notice in writing, shall be given of any intention to erect any temporary structures. Plans and structural calculations may also be required to enable the Council to check for compliance with structural safety requirements.

Furthermore, opportunity must be given to the Authorised Officer of the Council to inspect and examine such temporary installations prior to being brought into use, for the purpose of public entertainment and/or public sporting entertainment.

First Aid

66 First aid facilities must be provided as follows: -

- (a) General Events:
 - i) A First Aider shall be provided for each 250 persons or part thereof and shall wear an authorised identifying armband or apparel.
 - ii) First Aid facilities shall be suitable and sufficient for the type of use of the licensed premises.
- b) Indoor Sports Events (where a significant proportion of attendees are participating in physical contact sports otherwise the provisions in (a) above apply)
 - (i) A First Aider shall be provided for each 125 persons or part thereof and shall wear an authorised identifying armband or apparel.
 - (ii) At least one First Aid room with adequate heating, lighting and ventilation and suitable staff to be provided. Facilities shall include a telephone connection to an external line, hot, cold and drinking water over a sink or basin together with adequate first aid materials and equipment including blankets, pillows, stretchers, buckets, bowls, trolleys and screens.

SECTION 3

**ADDITIONAL CONDITIONS FOR PREMISES HOLDING
A SPECIAL HOURS CERTIFICATE**

SECURITY PERSONNEL

- 1 The additional conditions set out in this section apply at all times to premises which have in force a Special Hours Certificate granted under Section 77 of the Public Entertainment Licensing Act 1964.
- 2 The licensee shall employ security personnel to ensure that order is maintained at all times that the licensed premises are open for public entertainment or public sporting entertainment in accordance with the following table: -

Number of Persons present	Number of Security Personnel required (Male of Female)	Number of Female Security Personnel required
Up to 100	1	0
101 – 500	3	1
501 – 750	4	1
751 – 1000	6	2

1001 – 1250	9	2
1251 – 1500	10	2

- 3 Persons acting as stewards (as required in Section 2 of these conditions) may also act as security personnel.
- 4 No person shall be employed or engaged in or about the licensed premises as security personnel concerned with the maintenance of order unless he is registered with the Council.
- 5 The licensee shall notify the Council in writing within seven days the names of security personnel when first employed in the premises together with their home address and criminal convictions (if any). Any changes of security personnel must also be notified to the Council.
- 6 Where the licensee (or his employer) engages any person at or about the premises in the capacity of security personnel, he or she shall maintain a register in a form approved by the Council showing in respect of each period of duty of that person: -
 - i) the name, date of birth and residential address of that person;
 - ii) the time at which he commenced that period of duty, with a signed acknowledgement by that person;
 - iii) the time at which he finished the period of duty, with a signed acknowledgement by that person;
 - iv) any times during the period when he was not on duty; and
 - v) if that person is not an employee of the licensee or his employer, the name of the person by whom that person is employed through whom the services of that person were engaged.
 - vi) The register is to be kept on the premises and be readily available for inspection at any reasonable time by an officer.
- 7 Every person engaged in the capacity of security personnel shall at all times when on duty wear in a clearly visible position on his/her person a badge bearing a photograph of that person, and an identification number of which the Licensee is to keep a record in the register upon the licensed premises.
- 8 The licensee shall ensure that all security personnel undertake an approved programme of training in their respective duties and the licensee shall keep a complete record of the programme of training undertaken by each of his security personnel. Such programme of training shall have received the approval of the Council.

Video Equipment

- 9 Video surveillance equipment must be installed both inside and outside the premises to the satisfaction of the Council. Such equipment to be operational at least one hour before the advertised start time of any event and remain so until at least one hour after the advertised closing time or the premises has closed, whichever is the later.

- 10 Notices stating that video surveillance equipment is operational are to be displayed at conspicuous positions inside and outside the licensed premises.
- 11 Monitoring tapes must be used and are to be retained by the licensee or responsible person for seven days or longer as may be specified by an authorised officer. Tapes are to be produced to an officer on request.

First Aid

- 12 A first aider is to be provided on the licensed premises during opening hours to the following scale:
 - 1 – 250 capacity1
 - 251 – 500 2
 - Above 500 Extra 1 for every 500, or part thereof
- 13 Any person who is seriously unwell including those affected by drugs or alcohol, must be seen by the trained first aider, who shall: -
 - (a) give first aid;
 - (b) if necessary, seek medical assistance.

Numbers Admitted

- 14 An electronic/mechanical counting device shall be installed at the entrance to the premises to record accurately the total number of persons in the premises at all times. The information is to be supplied on demand to an officer.

Drinking Water

- 15 Each toilet facility must be provided with a supply of drinking water from a:
 - drinking fountain, or
 - drinking water dispenser, or
 - cold water drinking tap which allows a drinking container to be filled
- 16 Any drinking water provision must be available, free of charge at all times during an entertainment and clearly marked with a sign “DRINKING WATER”.

Rest Facilities

- 17 Nightclubs or premises used for dance parties must be provided with adequate rest facilities. The facilities shall: -
 - have a quiet and cool atmosphere
 - be provided with comfortable seating
 - be available to anyone without charge

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THE ALCOHOL & ENTERTAINMENT LICENSING BILL

The Bill received its second reading in the House of Lords on the 26th November 2002. Third reading and reports stages should be completed during July 2003 and the Bill should receive Royal assent by August 2003 with an implementation date approximately 12 months later.

There are currently over 50 statutes in the existing law of licensing and alcohol, the reform is intended to simplify and streamline the current procedures.

Public Entertainment is to be re-named Regulated Entertainment which will include:-

1. Performance of a play (including rehearsal)
2. Exhibition of a film
3. Indoor sporting events
4. Outdoor boxing or wrestling

The Bill also defines what is a licensable activity. These are:-

1. The sale by retail of alcohol
2. Supply of alcohol by or on behalf of a club otherwise than by of sale
3. The provision of late night refreshment between the hours of 11.00 pm and 5.00 am
4. The provision of organised entertainment.

The licensing powers in respect of the sale of alcohol will be transferred from Licensing Justices to Local Authorities, The Magistrates Courts will also give up responsibility for registered members clubs.

Local Authorities in addition to the new responsibilities will keep control of Public Entertainment's, Theatres, Cinemas, Night Cafes, and other Late Night Refreshment Houses.

The Government has stated that there are to be four clear objectives that should underpin the new system to ensure clarity and consistency. They are:-

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

EXEMPTIONS

Within the Act there will be a number of exemptions from licensing. These are:-

1. Religious services
2. Live broadcast TV
3. Films for educational, museum or art gallery use
4. Moving vehicle on a public Highway, ie a carnival float
5. Incidental recorded music

APPLICATIONS

Part 3 of the Bill deals with applications including grant of and variations of premises licences. Councils will have to consult with various statutory bodies including the Police,

Fire Authority and Environmental Health as well as residents and local businesses depending upon the nature of the business.

The Bill also provides for local residents, businesses and expert bodies to have the power to request a Local Authority to review an existing licence where problems or material changes arise. Such a review could result in no action, or a warning or an improvement notice being served, a modification of the licence or ultimately its revocation.

ALL DECISIONS OF THE LICENSING AUTHORITY WILL BE SUBJECT TO APPEAL THROUGH THE MAGISTRATES COURTS.

The Bill will abolish permitted drinking hours, increasing the options available to business and the public in how they spend their leisure time , so encouraging the development of a more diverse late night economy, however, any changes are subject to objections and an appeal procedure.

In addition the Bill will also abolish the two performer rule, therefore any premise that provides entertainment currently exempt will have to apply for a license to vary its existing licensing conditions as registered with the Licensing Justices. However premises that currently hold an Entertainment Licence will in future only have to apply to the Local Authority for all there licensing needs greatly streamlining the existing process.

NATIONAL/ LOCAL STATISTICS

There are currently in excess of 155,000 premises licensed to sell alcohol along with 22,000 registered members clubs, 5,000 late night refreshment houses, 9,000 public entertainment licences, 37,000 temporary public entertainment licenses and 40,000 occasional licences (alcohol).

It is anticipated that there will be in excess of 500 licenses to be issued in total within the South Cambridgeshire District, however exact figures are not yet available from the Licensing Justices and exact figures will be circulated when known.

THE NEW SYSTEM.

The new system will fall into 2 categories. These are:-

1. Premises Licence
2. Personal Licence

PREMISES LICENCE

A premises licence will be held by “a person who carries on a business which involves the use of premises for licensable activities”

This will cover a wide range of premises from pubs to village halls, hotels to leisure centres.

When applying for a premises licences the procedures to be followed are expected to be as follows:-

1. An application form (format yet to be prescribed) along with a fee (yet to be determined) will be sent to the Local Authority. The application will include an operating plan, a plan

of the premises, the type of activities that will take place and whether or not alcohol is to be sold (permission from the premises supervisor would be required if alcohol is to be sold). Also details regarding the period of time that a licence is to exist for will also be required (this may be for perpetuity)

2. The responsible authorities/interested will be notified.
3. If within a set period (yet to be prescribed) no representations are made then a licence MUST be granted subject ONLY to the conditions consistent to the operating schedule of the Local Authority or any mandatory conditions.

OBJECTIONS

Should objections be received then it will be the duty of the Local Authority to consider whether they are relevant. It is clear from the wording of the Bill that frivolous or vexatious representations are not to be considered, however, what is not yet clear is the guidance on what is frivolous or vexatious!

PERSONAL LICENCES

A personal licence is to be a licence issued to an individual (similar to your driving licence in that it does not refer to what you drive, just that you are licensed). The licence is to be AUTOMATICALLY granted to persons who have attained a (yet to be prescribed) Licensing Qualification, possibly similar to that currently run by the British Innkeepers Institute, have not been convicted of a relevant offence ie fraud, violence, drugs etc or had a Justices License revoked in the previous 5 years.

The personal licence will be granted for a period of 10 years and will be required only where alcohol is sold.

Current licensees will have grandfather rights and have no need to attain a Licensing certificate.

A personal licence holder may apply for up ,to 50 events per year.

A personal licence holder will be required to be licensed only in the district at which they reside, which poses the question of how Local Authorities will keep track of where they actually work. This a matter still being debated.

WHAT DO WE HAVE TO DO

The plan by Central Government is for a transition period of approximately 12 months from the royal assent expected in July/August 2003 whereby both the Magistrates Licensing and the Local Authority system will run along side each other. This is to give the Local Authority time to process all the applications and deal with appeals etc. During this time the Local Authority also has a number of objectives to achieve before the implementation date in 2004. These are primarily:-

1. To develop a policy in relation to licensing. This will have to involve consultation with local residents, business, Police and other statutory bodies

2. To carry out necessary research to ensure consistency with other legislation ie Human Rights act
3. The drafting of a policy
4. Any re-consultation
5. Monitor and review of the policy

It will be the responsibility of the Local Authority to produce a policy document every 3 years.

When considering a policy there are already some guidelines issued by Government for consideration. These include:

1. A policy must not cut across the principal of individual consideration by the adoption of arbitrary quotas on numbers of licensed premises
2. It should not inhibit the principle of children having free access to licensed premises save where there are particular reasons to exclude them, ie table dancing premises.
3. A policy should demonstrate proper integration with local crime prevention, planning, tourism and cultural strategies. It should for example provide for a proper separation of the planning and licensing regimes to avoid duplication and inefficiency
4. It should allow an emphasis on the importance of longer opening hours as a key mechanism for combating binge drinking, disorder and anti social behaviour
5. It may confirm the Licensing Authorities requirements for stricter conditions for late licenses in residential areas but should not enter into a zoning scheme.
6. It should support the need for tailoring licence conditions proportionately to individual premises and the activities taking place.
7. It should promote the benefits of agreed protocols between the Local Authority and the Police with regards to enforcement including the powers to shut premises immediately.

This is by no means exhaustive but illustrates the type of conditions to be considered in developing a policy.

During the transition period a Licensing Authority is obliged to grant licenses to premises where there are no material changes to the licences currently held under the Magistrates system. Only where variations are required will the consultation process be invoked.

Effectively BOTH premises and personal licence holders will receive “grandfather rights” during the initial transfer from Magistrates to Licensing Authority.

UNRESOLVED ISSUES

The Bill is still subject to a lot of secondary legislation, there is still a lot to come! For example the word prescribed is used 82 times and the word regulations appears 56 times. A perfect example of this is clause 17 (5) which states:-

(5) Regulations may-

(a) require an applicant to advertise within the **prescribed** period-

(i) in the **prescribed** form

(ii) in a manner which is **prescribed** and is likely to bring the application to the attention of the interested parties likely to be affected by it.

FEES.

The discussion around fees is still unresolved as is the question of financial support during the transition. The favoured approach on fees by Central Government is for nationally set fees and an annual fee for premises only (however it is suggested that an unpaid annual fee is only recoverable through the civil courts). At present an annual fee is charged and the licence may be revoked if it is unpaid.

Other issues yet to be resolved include :-

1. A definitive set of Government guideline for Local Authorities
2. How best to deal with occasional licence applications
3. The need for increased staffing levels
4. Premise capacity levels
5. Exact wording of many parts of the Bill
6. Licensing Committee structure, current proposal is for a minimum of 15 members to be available to sit in groups of 3 when determining appeals
7. The time period by which a Local Authority must decide an application is 2 months, what is still being debated is exactly what happens if the Local Authority fail to keep to that timescale, ie is the licence automatically granted or refused?

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