



STATEMENT OF LICENSING POLICY LICENSING ACT 2003

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1. INTRODUCTION

- 1.1 The Licensing Act 2003 requires the Council, in fulfilling its role as the Licensing Authority, to publish a “Licensing Policy” that sets how the council will promote the licensing objectives when making decisions on applications made under the Act. This is that statement of policy prepared in accordance with the provisions of the 2003 Act and the latest version of Home Office Guidance issued under section 182 of the Act.
- 1.2 Caerphilly County Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Throughout the document, the Council will be referred to as the Licensing Authority, where appropriate to prevent confusion between this role and the other functions carried out by the Council.
- 1.3 This policy sets out how applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority. In developing this licensing policy, the advice of bodies such as Local Government Association (LGA), the [Welsh] Local Government Association ([W]LGA) and various trade associations have been considered wherever possible. Where appropriate, the Policies of other Gwent authorities have also been taken into account, in order to achieve uniformity wherever possible and to help ensure the integration of the various policies over a wider geographical area.
- 1.4 Caerphilly County Borough Council has a legal obligation to comply with all legislation that promotes equality and has a policy in place to promote equality to all. The Council has set out its Strategic Equality Plan 2012 – 2016 which is available for inspection via the website at www.caerphilly.gov.uk. Licensing of persons and premises under the Licensing Act 2003 will actively promote equality of service and enforcement to all members of the community.
- 1.5 The Licensing Authority acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.
- 1.6 The licensing policy will not seek to regulate matters which are provided for in any other legislation but will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.
- 1.7 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities in Caerphilly throughout their opening hours and to promote live music, dance, theatre, etc. for the wider cultural benefit of the community.

- 1.8 This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within five years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time. However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.
- 1.9 This policy revision will take into account the following matters in its re-drafting. The amendments to the Licensing Act 2003 made by:
- The Police Reform and Social Responsibility Act 2011
 - The Live Music Act 2011
 - Statutory instruments laid under the above legislation
 - Revised Guidance issued under S182 of the Licensing Act 2003

2. PROFILE OF CAERPHILLY COUNTY BOROUGH

- 2.1 The County Borough has a population in excess of 178,800 and is semi-rural in character covering a total area of 69,160 acres. There are seven main town centres servicing the area, (Caerphilly, Blackwood, Bargoed, Ystrad Mynach, Newbridge, Risca and Rhymney) along with numerous villages, each with their own individual character. The authority is comprised of 33 wards.
- 2.2 There are many major concentrations of premises in the County Borough providing regulated entertainment and /or retail sale of alcohol. There are also many private clubs, several nightclubs, theatres and premises for the exhibition of films. Local venues such as village, community and school halls, sports clubs, etc provide additional locations for cultural activities.
- 2.3 During the summer months, several open-air events provide for the larger cultural audiences and many local carnivals, fetes etc are organised in smaller communities.
- 2.4 There are many public houses in the County Borough outside of the main towns, many of these in smaller villages. These provide focal points for community life. In other cases this may be provided by small stores, shops and supermarkets that sell alcohol.
- 2.5 Premises and events which are licensed under the Licensing Act 2003 can provide a contribution to the local economy through tourism, cultural development and maximising night time trade.
- 2.6 The Local Authority may, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments.

3. EQUALITIES AND HUMAN RIGHTS

- 3.1 The Equalities Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. The applicant shall have regard to this legislation. However, the Licensing Authority will not use licensing to pursue such issues, other than where supported by legislation and accepted good practice.
- 3.2 The Welsh Language (Wales) Measure 2011 makes both Welsh and English the official languages of Wales, and the Licensing Authority will ensure that it provides its services in accordance with the Council's current policies on Welsh language service provision and production of bilingual material.
- 3.3 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.
- 3.4 The Council expects that in granting an authorisation the holder of that authorisation will take all reasonable and practical steps to prevent and eliminate unlawful discrimination and to promote equality of opportunity and good relations within and between staff, customers and visitors. This is irrespective of a person's ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non beliefs, use of Welsh language, BSL and other languages, nationality, responsibility for any dependants or any other reason which cannot be shown to be justified.
- 3.5 The Council ensures that it treats all individuals and organisations who are renewing or making new applications for licenses, with equal respect both when corresponding with those individuals and organisations, and during the licensing approval process and will do so in the language or format of their choice, in line with the Council's Strategic Equality Objectives.
- 3.6 The Council is satisfied that this policy satisfies the statutory requirements and where there are restrictions, they satisfy the provisions on proportionality and balance of competing rights.

4. INTEGRATING STRATEGIES

- 4.1 There are a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities, when carrying out its functions the Local Authority has duties, responsibilities and considerations under other legislation and strategies, for example:
 - 4.1.1 Crime and Disorder Act 1998, the Council has a duty under section 17 to exercise its various functions with due regard to the likely effect of the exercise on those functions and the need to do all it reasonably can to prevent

crime and disorder. The Council discharges this duty through the Safer Caerphilly Delivery Group.

- 4.1.2 Anti-Social Behaviour, Crime and Policing Act 2014 – in particular the powers available to designate restricted areas by Public Space Protection Orders to control activity affecting the community including controlling the consumption of alcohol. In addition the powers to immediately close licensed premises which are the source of anti-social behaviour in the community.
- 4.1.3 Violent Crime Reduction Act 2006. This Act has amended the Licensing Act 2003, introducing new offences of persistently selling alcohol to children; providing the instant closure by the Police of premises associated with serious crime and disorder; a fast track process to review a premises licence and powers to the Licensing Authority to take interim steps pending a full review.
- 4.1.4 Health And Safety at Work Act 1974. Licensing objectives which overlap with health and safety requirements would be covered by the duties imposed by the relevant legislation; e.g. risk assessment under the Management of Health and Safety at Work Regulations 1999.
- 4.1.5 Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issue fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am);
- 4.2 The premises operators are normally responsible for compliance with any other statutory requirements which may apply for example the Regulatory Reform (Fire Safety) Order 2005.
- 4.3 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. Once the discretion of the Licensing Authority is engaged, additional and supplementary conditions to promote the licensing objectives may be attached to a licence.

5. PURPOSE AND SCOPE

- 5.1 This statement of policy sets out how Caerphilly will exercise the licensing functions as 'The Licensing Authority', through a Licensing Committee which is directly responsible for most of the licensing functions which include the following 'licensable activities'.
 - 5.1.1 The retail sale of alcohol: including licensing of individuals (Personal Licences) and premises (Premises Licences), including wholesale of alcohol to members of the public either directly or indirectly via the internet or mail order.
 - 5.1.2 The supply of alcohol to members of registered clubs (Club Premises Certificates)
 - 5.1.3 The provisions of regulated entertainment: Includes film exhibitions, performances of a play, boxing or wrestling events; provision of live or recorded music, and performances of dance. Exemptions exist in respect of

certain aspects of regulated entertainment dependant on audience numbers, times of provision and status of premises. The provision of regulated entertainment has been the subject of a number of amendments to the circumstances as to when they require to be licensed. The details of the amendments are listed in the Annex 5 'Legislative Changes'.

- 5.1.4 The provisions of late night refreshment: which covers the supply of hot food or drink from a premises between 23.00 hours and 05.00 hours the following day.
- 5.2 Licences, certificates, temporary event notices and any other permission covered by the Act are referred to throughout this statement of policy as 'authorisations'.

THE POLICY

The Act further requires the Council to publish this "Statement of Licensing Policy" that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

6. CONSULTATION ON POLICY

- 6.1 All references to 'The Licensing Committee' in this document mean the committees established under section 6 of the Act, including the sub committees and officers who are authorised by that committee to exercise licensing functions.
- 6.2 The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy, namely
- The Chief Officer of Police
 - The Fire Authority
 - Such persons as the licensing authority considers to be representatives of holders of premises licences, club premises certificates and personal licences issued by that authority;
 - Such persons as the licensing authority considers to be representative of businesses and residents in Caerphilly.
- 6.3 The Act also requires the Council to consult representatives of those persons who have a special interest in the licensing policy (sometimes referred to as 'stakeholders'). A full list of all those who were consulted is set out in the relevant annex.

7. LICENSABLE ACTIVITIES

- 7.1 The types of regulated entertainment that are required to be licensed under the 2003 Act are listed below:
- film exhibitions
 - performance of a play
 - indoor sporting events
 - a boxing or wrestling entertainment

- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”)
- live music performances
- playing of recorded music
- performance of dance
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

7.2 There are a number of exemptions to the licensing requirements set out in the Act which includes amendments made by the Live Music Act 2012 and Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013. Full details of the amendments are set out in the Annex on ‘Legislative Changes’.

7.3 The following list summarises the exemptions in place at the time of the policy being implemented:

- Film exhibitions for the purposes of advertisement, information, education etc.
- Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- Music whether live or recorded, which is incidental to other activities which do not require a licence.
- Live music as follows:
 - amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
 - amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
 - Unamplified live music between 8am and 11pm in all venues
- Use of television or radio receivers for the simultaneous reception and playing of a programme.
- Any entertainment or entertainment facilities at a place of public religious worship.
- Entertainment at garden fetes or similar functions unless there is an element of private gain.
- Morris dancing or any dancing of a similar nature or a performance of unamplified live music as a part of such a performance.
- Entertainment on road vehicles in motion.
- performance of a play in front of an audience of 500 persons or less between 8:00 and 23:00
- performance of dance in front of an audience of 500 persons or less (unless it is relevant entertainment within the meaning of Schedule 3 para 2A Local Government (Miscellaneous Provisions) Act 1982 - i.e. certain forms of sexual entertainment); between 8:00 and 23:00
- indoor sporting events in front of an audience of 1,000 persons or less between 8:00 and 23:00.

7.4 There are many other exemptions in respect of regulated entertainment and applicants are advised to contact their legal advisor or the Licensing Team before submitting an application for a licence.

8. FUNDAMENTAL PRINCIPLES

8.1 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including:

- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
- Regular liaison and co-operation with police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of penalty notices for disorder, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in restricted areas and the potential to immediately close licensed premises or temporary events on the grounds of nuisance or disorder, or likelihood of nuisance or disorder occurring;
- The power of the responsible authorities, other relevant person (such as a member of the public or person representing a business) to seek a review of the licence or certificate where it is alleged that the licensing objectives are being undermined.

8.2 The licensing regime places a great responsibility on applicants themselves to actively engage in the application process. It also places responsibilities on defined consultees to make relevant representations (either positive or negative) relating to applications within the prescribed timescales. Where representations are not received within the timescales an authorisation may be granted with only those conditions that are in line with an applicant's operating schedule. Operating schedule conditions can only be modified where relevant representations are received and where they need to be modified to promote the licensing objectives.

8.3 The following fundamental principles will apply:

- The right of any individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits;
- The statutory rights of any person to make appropriate representations in respect of any application or to seek a review of any premises / club premises certificate.
- The statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any conditions that may be attached to licences and certificates will focus on:
 - Matters within the control of premises licence/club premises certificate holders and others who are granted relevant permissions;

- The premises and places being used for licensable activities and their immediate vicinity; and
- The direct impact of the activities taking place at the relevant premises on members of the public living, working or otherwise engaged in normal activity in the area concerned.

8.4 Each application will be considered on its individual merits, and in the light of this Policy.

9. RELATIONSHIP WITH PLANNING PROCESS

9.1 The Licensing Authority and the Local Planning Authority have responsibility for the consideration of common permitted activities, however they will be considering them from different aspects. The Local Planning Authority are a responsible authority for licensing matters and as such may raise issues that are related to the licensing objectives.

9.2 Applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority. However, it is strongly recommended that prospective licence applicants contact the Local Planning Authority in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises.

9.3 A material alteration to licensed premises would not relieve a licence/certificate holder of the need to apply for planning permission or building control consent where appropriate.

10. LICENSING OBJECTIVES

10.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- The promotion of public safety
- The protection of children from harm.

10.2 Promotion of the licensing objectives is achieved by way of this policy and where appropriate the imposition of conditions to cover such matters that are within the control of individual licensees/certificate holders.

10.3 It is expected that holders of any authorisation will ensure compliance at all times with any conditions or obligations attached to authorisations. The Licensing Authority has developed pools of conditions which seek to promote the licensing objectives. Pools of conditions are attached in an annex to assist applicants in determining those steps that they consider are appropriate for the promotion of the licensing objectives in relation to their specific premises. The pools of conditions may be amended from time to time and as such applicants should refer to the Council's website at www.caerphilly.gov.uk or contact the Licensing Office to obtain the latest version.

- 10.4 The Licensing Act sets out mandatory conditions that are imposed on licences and certificates dependant on the authorised licensable activities. These conditions cover such areas as door stewarding, exhibition of films and unacceptable drinks promotions. A comprehensive list of mandatory conditions is set out in the relevant annex.
- 10.5 The Licensing Authority will monitor premises to ensure that all conditions are adhered to by authorisation holders.

11. OPERATING SCHEDULE

- 11.1 Operating Schedules for licensed premises are the key to ensuring compliance with the four licensing objectives. The Council require individual applicants to address the licensing objectives in the prescribed application form which essentially forms the operating schedule and will provide the basis for the Council to determine the application. Any breach of conditions is an offence and may result in enforcement action, it is therefore vital that applicants only include measures that they are able to control or comply with. The Council will endeavour to work in full co-operation with premises licence/club premises certificate holders and applicants to minimise the number of disputes that may otherwise arise in this area.
- 11.2 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an Operating Schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management and supervision of premises and associated open areas;
- Appropriate instruction, training and supervision of those employed or engaged.
- Control of opening hours including times for all or part (e.g. garden areas) of the premises (including other times where deliveries take place).
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;
- Liaison with public transport providers;
- Siting of external lighting, including security lighting;

12. PROMOTION OF LICENSING OBJECTIVES

- 12.1 Applicants are required by law to set out in their operating schedules the steps they intend to take to promote the licensing objectives. Responsible applicants will give proper regard in the schedules to the location, character and condition of the premises, the nature and extent of the proposed use, the demography of the area and the person likely to be attracted to the premises.
- 12.2 The Council is supportive of those campaigns which address issues of violence and encourages the promotion of such campaigns within the licensed trade. An example of such a campaign is the White Ribbon scheme which targets violence against women. Other initiatives and strategies include Safer Caerphilly After Dark which draws together premises, Security Industry

Authority (SIA licence door stewards) operators, taxi trade, CCTV, Townsafe and the voluntary sector such as Street Pastors. In addition the Council facilitates regular meetings with representatives of all Responsible Authorities to discuss a range of issues but in particular those licensed premises that are of concern where the licensing objectives are not being promoted.

- 12.3 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions. For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.

13. PREVENTION OF CRIME AND DISORDER

- 13.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 13.2 The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.
- 13.3 It is expected that authorisation holders will take steps to control excessive consumption and drunkenness on their premises. Proper management will reduce the risk of anti-social behaviour occurring both on the premises and outside after customers have left. They must also demonstrate a general duty of care to customers using their premises and others that may be affected by the activities.
- 13.4 Measures that applicants, responsible authorities and the licensing authority could consider in this regard include:
- a) Use of toughened glass drinking vessels
 - b) Use of polycarbonate or plastic drinking vessels.
 - c) Preventing the sale of drinks in bottles for consumption on the premises
 - d) Reduction of Alcohol Strength Schemes.
 - e) Controlling consumption in external areas of the premises

Sale And Supply of Alcohol

- 13.5 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to

representations from the police, a limitation on licensing hours may be appropriate.

- 13.6 Licensed premises authorised under the Act for the sale and/or supply of alcohol must consider their responsibilities with regard to who they supply with alcoholic drinks, in particular:
- The sale to persons under the age of 18 years
 - The sale to persons who are delivering to persons under the age of 18 years
 - The sale to persons who are drunk
- 13.7 The Licensing Authority actively encourages that the sale or supply of alcohol should terminate at least thirty minutes before the closing time of the premises. This provides a suitable 'wind down' period and a slower dispersal of customers.
- 13.8 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.

Alcohol Harm and Drugs Misuse

- 13.9 In June 2007 "Safe, Sensible, Social – The next steps in the National Alcohol Strategy" was published. This strategy covered England but was prepared in discussion with the Welsh Assembly and reflects the common themes within Welsh policies aimed at tackling the harm caused by alcohol misuse.
- 13.10 This Council is fully supportive of the Welsh Assembly's strategy 'Working Together to Reduce Harm' for tackling harms associated with the misuse of drugs, alcohol or other substances 2008 – 2018. The strategy sets out four action areas including preventing harm, support for substance misusers to improve their health and aid and maintain recovery, supporting and protecting families; and tackling availability and protecting individuals and communities via enforcement action.
- 13.11 Three of the indicators of population health used to monitor alcohol misuse trends are;
- Percentage of individuals 'drinking' over recommended levels on the heaviest drinking day in the past week
 - Percentage of individuals 'heavy drinking' (binge – males over 8 units, females over 6 units) on the heaviest drinking day in the past week
 - Percentage of individuals 'very heavy drinking' (heavy binge – males over 12 units, females over 9 units) on the heaviest drinking day in the past week.

13.12 The most recent data for the Caerphilly County Borough (Welsh Health Survey, 2014) indicates that;

- 43% of adults report 'drinking' above recommended guidelines, consistent with the Welsh and County of Gwent rate of 43%
- 28.6% of adults report 'heavy drinking' (binge), higher than the Welsh average (Welsh Health Survey 2014)
- 16.9% of adults report 'very heavy drinking', higher than the national average of 14.9% (Public Health Wales 2014)

NB. These figures are self-reported and likely to be under reported as typically all national survey consumption rates vary from alcohol sale figures.

13.13 Harms from alcohol misuse are numerous and impact on individuals, families, communities and organisations. Harms can be immediate, such as crime, violence and anti-social behaviour to long term, which include family breakdown, hospital admission and ultimately death. Every week in Wales there are 29 deaths; around 1 in 20 of all deaths, as a result of alcohol (Public Health Wales 2014).

13.14 Licensing is the mechanism by which the availability of alcohol is regulated in the UK. This policy can play a key role in reducing the harms from alcohol misuse experienced by its population (individuals and families), communities and organisations.

13.15 In 2010, the Government outlined plans to overhaul the current licensing regime, in order to give more power to local authorities and police, to help them deal with alcohol-related crime and disorder, while also promoting responsible business. Rebalancing the Licensing Act - a consultation on empowering individuals, families and local communities to shape and determine local licensing" was published and resulted in additional legislation to assist regulators to control the sale and supply of alcohol and the public to make representations about licensed premises.

13.16 Where the licensing regime can impact on factors which increase the risk to safety of those taking drugs, the Licensing Authority will seek to take a leading role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies.

13.17 The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises, however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the crime and disorder licensing objective. The licensing authority expects all licence holders to actively support this aim in the way that they plan, manage and operate premises.

13.18 If relevant representations are received to an application for grant or variation of a licence special conditions may be imposed to support the prevention of the illegal supply or use of controlled drugs. Advice on conditions will be sought from the police or any other relevant organisation involved in the control of controlled drugs or the support and/or treatment of drug users.

13.19 The sale or use of new psychoactive substances (NPS) (formerly known as legal highs) at alcohol licensed premises will be monitored closely. The council will consider any issue with NPS in line with current legislation and government policy.

13.20 *The Immigration Act 2016 introduced measures to prevent illegal working in the alcohol and late night refreshment sector. The measures commenced in England and Wales on 6 April 2017. Personal and premises licences cannot be issued to those disqualified by their immigration status and licences issued on or after the 6 April 2017 will lapse if the holder's lawful leave or permission to work ends.*

14. PREVENTION OF PUBLIC NUISANCE

14.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

14.2 Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

14.3 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

14.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

14.5 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

14.6 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. The following issues that should be considered are set out below to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard requirements, but include:

- a) Demonstrate effective and responsible management of premises;
- b) Evidence appropriate staff instruction, training and supervision to prevent incidents of public nuisance;
- c) Indicate how the operating hours for the whole or parts of premises are to be controlled so as to reduce the potential noise impact on neighbouring

properties. This should include control of external areas such as beer gardens and smoking areas, and such matters as deliveries, disposal of glassware and waste collections.

- d) Adoption of best practice guidance (Such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing the National Harm Reduction Strategy Toolkit and other industry codes of practice).
- e) Installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- f) Management of people including staff and customers arriving and leaving premises (including the potential for queuing outside of the premises);
- g) Liaison with public transport / taxi and private hire service providers to encourage customers to leave the area quickly;
- h) Siting of external lighting including security lighting and consideration of the potential for light pollution nuisance;
- i) Management arrangements for collection and disposal of litter in the vicinity of the premises;
- j) Effective ventilation systems to prevent nuisance from odour;
- k) Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;
- l) Dispersal policy / arrangements
- m) Adverse noise created by any ventilation or air conditioning system or other associated machinery positioned outside the building.
- n) Appropriate signage requesting patrons to respect the rights of local residents when leaving the premises.

15. PUBLIC SAFETY

- 15.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. Applicants are advised to seek advice from various organisations, such as the Caerphilly health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.
- 15.2 The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks to which persons may be exposed for the purpose of identifying the general fire precautions that need to be taken. Therefore no conditions may be imposed on an authorisation where it directly relates to fire safety. It is expected therefore that authorisation holders will conduct a thorough risk assessment which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request by any authorised officer of the Council.
- 15.3 Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety.

Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant:

- The number of people attending the premises/safe capacity levels (factors may include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars etc);
- The age, condition, design and layout of the premises, including the means of escape in case of an emergency;
- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
- Customer profile (e.g. age, disability etc.);
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

15.4 The following examples of control measures are considered to be important and should be taken into account by applicants in their Operating Schedule, having regard to the particular type of premises and/or activities:

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises;
- Adoption of best practice guidance (Assistance can be obtained by contacting such bodies as Environmental Health, Fire Safety and HSE).
- Provision of effective CCTV in and around premises;
- Implementation of crowd management measures;
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

15.5 The authority recommends that specialists, e.g. a qualified safety officer, should be consulted to assist with an assessment of public safety issues (excluding fire safety as such a risk assessment is a mandatory requirement).

15.6 Heddlu Gwent Police promotes the use of polycarbonate drinking vessels to reduce injuries caused either deliberately or accidentally from glass drinking vessels. The council supports this initiative and would advise any applicant or authorisation holder that toughened glasses often lose their tempering through repeated use and should consider the introduction of solely polycarbonate or plastic drinking vessels. Where premises are associated with crime and disorder the Council may also advocate that open glass bottles for consumption on the premises should not be permitted and that contents are decanted before serving to customers, the purpose being to reduce any incidents where bottles may be used as weapons.

16. PROTECTION OF CHILDREN FROM HARM

- 16.1 The protection of children from harm includes protecting them from moral, psychological and physical harm. In relation to physical harm, this includes access to alcohol to those under the age of 18 years. In relation to the exhibition of films, videos etc. this includes their protection from exposure to strong language and sexual expletives and behaviour.
- 16.2 Nothing in this statement of policy shall limit or require access of children to premises unless there is an overriding requirement of necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this policy.
- 16.3 With the exception of the restrictions specified in the Act (prohibiting unaccompanied children being on premises when alcohol is being supplied) it does not prohibit children from having free access to any licensed premises. However, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm, such as restricting the times at which children are permitted to be present in premises which are predominantly concerned with the supply of alcohol, or occasions where entertainment of an adult nature is provided, etc. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual premises licence/club premises certificate holder.
- 16.4 When addressing the protection of children, an applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule and these may include:
- Effective and responsible management of premises;
 - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm. Details of the content of any training, preferably to be maintained in a written form, along with dates and frequency of any training or instruction given. A written policy in respect of "proof of age".
 - Requiring the production of age identification documentation: Proof of Age Standards Scheme (PASS) accredited "proof of age" cards, passports/photo driving licences;
 - Measures to ensure that children do not purchase, acquire or consume alcohol;
 - Measures to ensure that adults do not purchase/acquire or supply alcohol for consumption by children;
 - Adoption of best practice guidance;
 - Provision of sufficient numbers of people employed or engaged to secure the protection of children, including child performers, from harm;
 - Limitations on the hours when children will be present in all or parts of the premises;
 - Limitations or exclusions by age when certain activities are taking place;
 - Imposition of requirements for children to be accompanied by an adult;

- Measures to ensure that children are not exposed to incidences of violence or disorder
- 16.5 In the event that representations are received regarding the protection of children from harm the Council will judge each application on its own individual merits. Examples, which will give rise to particular 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 in drug taking or dealing;
 - Where there has formal enforcement action taken in relation to the sale or supply of alcohol to children under the age of 18;
 - With a reputation for underage drinking;
 - Where convicted sex offenders are housed.
 - Where the supply of alcohol for consumption on the premises is the exclusive primary purpose of the services provided at the premises.
- 16.6 The Council does not intend to impose a complete ban of children attending licensed premises. Options for the limiting of children deemed necessary for the prevention of harm include:
- A limit on the hours when children may be present;
 - An age limitation (for under 18's);
 - A limitation or exclusion when certain activities are taking place;
 - The requirement to be accompanied by an adult;
 - Exclusion of people under 18 when any licensable activities are taking place.
- 16.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law. Particular concern relates to the sale and supply of alcohol to children. The Council expects that premises selling or supplying alcohol will ensure that there are adequate measures in place to prevent the sale or supply of alcohol to children. Such measures may include appropriate staff training, recording incidents of sales refusals, implementation of the Challenge 25 scheme. The Council will actively enforce compliance with the legislation in respect of the sale or supply of alcohol to children.
- 16.8 In the case of premises that are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.
- 16.9 Where entertainment is or intended to be provided solely for persons under 18 years of age, the Council expects that steps will have been set out in operating schedules to satisfactorily address arrangements for the control and management of the premises. Examples of the issues that would be of particular concern would be the display or availability of alcohol, whether adults would be permitted to attend such events (other than as stewards or

supervisors), times of the entertainment and arrangements for dispersal from the premises.

- 16.10 Where there are large numbers of children expected to attend any licensable activities, or the entertainment is specifically provided for children, and relevant representations have been received, the Council will impose such conditions as they consider appropriate. This may require the presence of stewards to control the access and egress of the children and ensure their safety within the premises. Such adults shall be over 18 years of age, have training in the means of escape arrangements and other matters that may be of concern. The authorisation holder may also be required to ensure that such stewards have undergone Police National Computer / Disclosure and Barring Service checks, and that such persons do not have any convictions which may disbar them from working with children.

17. ACTIVITIES OF AN ADULT OR SEXUAL NATURE

- 17.1 The Policing and Crime Act 2009 introduced a requirement that premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer may be required to be licensed as a Sexual Entertainment Venue (SEV). Relevant entertainment being defined as live performance or live displays of nudity that may reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means. Nudity is defined as exposure of the pubic area, genitals or anus, and in the case of women nipples. Such venues as lap dancing or strip tease premises may therefore be considered as requiring an SEV licence in addition to any authorisation held under the Licensing Act 2003.
- 17.2 An exemption to the requirements for an SEV licence is based on frequency which enables relevant entertainment to be provided on 11 occasions within any period of 12 months provided that each occasion lasts no longer than 24 hours and no such occasion begins less than a month from the end of the last event.
- 17.3 Where an application is submitted for a premises licence or club premises certificate and the operating schedule indicates that it is intended to offer activities of a sexual or adult nature the Council will take into consideration the risk to the promotion of the licensing objectives, particularly in respect of the protection of children from harm and the prevention of crime and disorder. Particular consideration will also be given to the location of the premises and the extent of management and control measures offered. Where such activity is to be permitted conditions will be applied (unless offered in the operating schedule) to limit the frequency of such events unless an SEV licence is or has been applied for, and to ensure the management of such entertainment to ensure that the performance is controlled in such a manner as to uphold the licensing objectives particularly in respect of the protection of children from harm.

18. REPRESENTATIONS

- 18.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises,

the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.

- 18.2 Relevant representations may be made by a responsible authority, other persons or organisations representing them, but they should state whether they are making a representation on their own behalf or on behalf of another person.
- 18.3 Amendments to the Act have altered the category of persons who can make representations, rather than previously referring to an 'interested party' i.e. a person who lived or worked in the vicinity, the term 'other person' indicates any person who is likely to be affected by the operation of the premises.
- 18.4 Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.

19. RESPONSIBLE AUTHORITIES

19.1 The Licensing Act 2003 (as amended) specifies who are the responsible authorities that may make representations on applications or apply for the review of a premises licence or club premises certificate, they are:

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The local weights and measures authority
- The Director of Social Services and the body representing matters relating to the protection of children from harm.
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- The Local Health Board
- The Licensing Authority (The Council)
- *Home Office's Secretary of State (Home Office Immigration Enforcement)*

19.2 *The Home Office's Secretary of State (In practice Home Office Immigration Enforcement) was added to the list of responsible authorities by virtue of the Immigration Act 2016 effective from 6 April 2017.*

20. REVIEW OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

20.1 The ability to review either a premises licence or club premises certificate is seen as a key protection for the community where problems occur once an authorisation has been granted or varied. The council considers that reviews should be a last resort unless the issues are of such a serious nature that a review is the only option.

- 20.2 The Council anticipates that if authorised persons or responsible authorities are made aware of problems identified as arising from a premises, that licence or certificate holders will be given early warning of the concerns and the need for improvements or positive action to address problems. Where a holder fails to respond to early warnings the Council expects that it will lead to a decision to review.
- 20.3 A premises licence or club premises certificate can only be reviewed where it is alleged that one or more of the licensing objectives are not being promoted. Applications for review may only be lodged by a responsible authority or other relevant person (includes those persons who may be affected by the operation of the premises) and set out the grounds for their opinion that the licensing objectives are being undermined. The Council expects that applicants for a review will provide substantiated evidence of issues at the premises which demonstrates that the objectives are not being promoted. Examples of such evidence could include, chronology of complaints, inspection visits, noise monitoring, logs of calls by residents to responsible authorities such as police in respect of anti-social behaviour or Pollution control in respect of noise nuisance.
- 20.4 On submission of an application for review (other than from a responsible authority), the licensing authority will, in the first instance, consider whether the application is relevant, frivolous, vexatious or repetitious.
- Relevant – application clearly identifies the manner in which one or more of the licensing objectives are being undermined.
 - Frivolous – application is unworthy of serious attention and is of little value
 - Vexatious – submitted without sufficient grounds potentially with the intention of causing annoyance to the authorisation holder
 - Repetitious – the grounds are set out in the Secretary of State’s guidance to the Licensing Act but may be summarised as relating to a matter that has already been determined or issue that has previously been considered.
- 20.5 Where an application is determined as not being relevant, or is frivolous, vexatious or repetitious the Licensing Authority will reject the application for review.
- 20.6 The matters that the Council considers may trigger an application for review includes the following (the list is not exhaustive):
- Prolonged or repeated instances of public nuisance / anti-social behaviour arising from the operation of a premises
 - Persistent problems of non-compliance with conditions attached to the authorisation
 - Non co-operations with reasonable requests of responsible authorities or other agencies in respect of the management and control of the premises
 - Failure to resolve issues following formal notification such as noise abatement, health and safety issues, and fire safety notifications

- Serious risk to persons under 18 years of age arising from the use and operation of premises.
- Use of premises for the sale and distribution of controlled substances and / or the laundering of the proceeds of related criminal activity
- Use of premises for the supply and distribution of illegal firearms
- Evasion of copyright in respect of pirated films and music
- Use of premises for the purposes of prostitution or the supply of unlawful pornography
- Use of premises for the purposes of unlawful gaming.
- Use of premises for the organisation and/or promotion of racist, homophobic attacks or sexual abuse.
- Use of premises for the storage and/or supply of stolen or counterfeited goods including alcohol and tobacco
- Grooming of children for sexual exploitation

20.7 Where criminal activity is identified as arising in connection with licensed premises the matter will be treated particularly seriously and the revocation of the authorisation even in the first instance will be seriously considered by the Licensing Authority. Such criminal activities include:

- The sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- The sale and distribution of illegal firearms;
- The evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- Organised groups of paedophiles to groom children;
- A base for the organisation of criminal activity, particularly by gangs;
- The organisation of racist activity or the promotion of racist attacks;
- Knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter'
- Unlawful gambling; and
- The sale or storage of smuggled tobacco and alcohol

20.8 In circumstance where it is the opinion of the Chief Officer of Police that premises are associated with serious crime or serious disorder or both an application may be made for a summary review of a premises licence (Note; a summary review cannot be submitted in respect of club premises). Summary reviews are the subject of prescribed procedures and timescales, foremost of which is a meeting of the Licensing Committee to consider whether interim steps are necessary to address the concerns raised by the police. Appropriate weight will be given to the application by the Licensing Committee.

20.9 *The Home Office as a responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. Unlike other applications for reviews in respect of immigration offences the Magistrates Courts notify the local authority that a review is required by virtue of issuing a Compliance Order.*

21. CLOSURE ORDERS

- 21.1 The Anti-social Behaviour, Crime and Policing Act 2014 sets out a power to close either a number of premises in an area or an individual premises where there is or is likely to be, or has been, serious nuisance or disorder. The power to serve a closure notice rests with the Police (issued by a police officer of rank of inspector or above) or Local Authority (issued by the Deputy Chief Executive, a Director, or Head of Public Protection). If a closure notice is not cancelled the Magistrates may issue a closure order, in which instance, the licensing authority must review the licensing authorisation if the order was based on nuisance or disorder.

22. COMMERCIAL DEMAND

- 22.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the local planning authority taking into account the demands of the licensed trade and market demands

23. TRADING HOURS

- 23.1 The Licensing Act does not prescribe fixed hours for trading, applicants are required to identify the hours that they propose to operate. The Licensing Authority, through the exercise of its licensing functions shall not seek to restrict the trading hours of any particular premises unless it is considered appropriate for the promotion of one or more of the licensing objectives. It is proposed that the Licensing committee when considering each application on its merits following receipt of relevant representations should have regard to the following factors:

23.1.1 Whether the licensed activities are likely to cause an adverse impact, especially on local residents, and what, if any, appropriate measures are proposed to prevent it.

23.1.2 Whether there will be a substantial increase in the cumulative adverse impact on any adjacent residential area.

23.1.3 Whether there is a suitable level of public transport accessibility to and from the premises at appropriate times;

23.1.4 Whether the activity will be likely to lead to a harmful and unmanageable increase in the demand for car parking in any surrounding residential streets suffering from high levels of parking stress;

23.1.5 Whether the premises have an authorised or lawful use for the permissions sought under the Town and Country planning legislation

23.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours, unless it is satisfied, following the statutory process prompted by receipt of relevant representations, that there are good reasons based on evidence for restricting those hours.

- 23.3 The Licensing Authority recognise that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.
- 23.4 The Licensing Authority also acknowledges that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.
- 23.5 Where its discretion is engaged a Licensing Authority will always carefully balance the considerations against its duty to promote the licensing objectives and protect the rights of residents and businesses.
- 23.6 Where there are relevant representations in respect of an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives, then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 23.7 Irrespective of the hours of operation granted for a premises, under any licence under the Act, the premises operators should ensure that they comply with any limitation on hours imposed under any other relevant legislation that may be in force – particularly any restrictions attached to any planning permission.

24. CONDITIONS

- 24.1 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions derived from the steps offered in the applicant's operating schedule).
- 24.2 This authority will disregard any steps offered by applicants that are unreasonable, not proportionate or unenforceable. Where an applicant has offered a specific condition the authority may reword such condition so as to ensure that it is unambiguous and enforceable. The applicant will be advised of any such changes and their agreement sought to the Councils interpretation before any action is taken. The policy does not allow for the imposition of standard 'blanket' conditions as each application must be considered on its individual merits taking account of matters raised by responsible authorities and local circumstances.
- 24.3 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned. However, where considered appropriate, and necessary for the promotion of the licensing objectives, this Authority will consider attaching conditions drawn from its own pool of conditions, which are attached as an annex to this policy.

- 24.4 The Council recognises that licensing law is not a mechanism for the general control of antisocial behaviour by people once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However the Council must consider the potential detrimental impact on the surrounding areas from the operation of either individual or accumulations of premises, where the premises are the predominant cause of resultant anti-social behaviour arising from drunkenness etc.
- 24.5 An application may be submitted in respect of community premises (i.e. church hall, chapel hall, village hall, community hall or other similar building) to remove the mandatory condition which requires a designated premises supervisor (DPS) who holds a personal licence be named on the licence. An alternative condition may be applied whereby the supply of alcohol will be made or authorised by the management committee for that venue.
- 24.6 Other measures are available to the Licensing Authority in respect of controlling difficult or sensitive areas such as:
- The power to designate a Cumulative Impact Area (CIA) to prevent increased saturation of that area by particular types of premises.
 - Set a Late Night Levy which enables licensing authorities to charge holders of licenses which permits the sale of alcohol late at night in the authority's area as a means of raising a contribution towards the costs of policing the late-night economy.
 - Make an Early Morning Restriction Order (EMRO), which enables licensing authorities to restrict sales of alcohol in the whole or a part of their area.

There are currently no CIA or EMRO areas designated within Caerphilly County Borough and there is no Late Night Levy. Further information is set out below regarding these powers.

25. CUMULATIVE IMPACT POLICY

- 25.1 Cumulative impact is not specifically defined within the Licensing Act 2003 but is set out in the relevant guidance to the Act, as referring to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises in an area. Cumulative impact is therefore an appropriate matter for the licensing authority to consider when developing this policy statement. Cumulative impact policies are not restricted to the effects of the supply of alcohol or late night entertainment but may also include late night fast food takeaways that do not necessarily supply alcohol.
- 25.2 Serious problems of disorder and nuisance may arise in those areas where there are a significant number, type and density of particular types of premises. Problems may arise in the area or even at some distance. Varied closing times can assist in a more gradual dispersal of person from an area thereby reducing the potential for detrimental cumulative impact.
- 25.3 The development of a special cumulative impact policy will be based on sound evidential factors. Relevant information may be provided by responsible authorities, community safety partnerships, crime and disorder

statistics, incidences of anti-social behaviour, complaints of nuisance particularly related to litter and noise, local resident's complaints, ward members, etc. The licensing authority must be satisfied that after considering available evidence that it would be appropriate to include a special cumulative impact policy.

- 25.4 The absence of a special cumulative impact policy does not prevent any responsible authority or other person making an evidence-based relevant representation on an application for a new authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 25.5 No evidence has been supplied which indicated a negative impact on the licensing objectives in the Caerphilly Council area. If evidence is provided the formulation of a special policy would be carefully considered having due regard to guidance provided in accordance with section 182 of the Act.

26. LATE NIGHT LEVIES

- 26.1 The late night levy is a power, conferred on all licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. The introduction of a levy enables licensing authorities to charge persons who are licensed to sell alcohol late at night in the authority's area. The levy is a means of raising a contribution towards the costs of policing the late-night economy.
- 26.2 The levy is payable by the holders of any premises licence or club premises certificate which authorise the sale or supply of alcohol on any days during a specific period (referred to as the late night supply period) beginning at or after midnight and ending at or before 6am.
- 26.3 The licensing authority is expected to consider the need for a levy with the chief officer of police and the police and crime commissioner for the police area in which it is proposed the levy will be introduced. Local residents can use their existing rights to make representations and other channels of communication to call for the implementation of a levy in their area. The decision to introduce a Late Night Levy sits with the Council.

27. EMRO's (Early Morning Restriction Orders)

- 27.1 EMROs are designed to address recurring problems in the whole or part of a Licensing Authority's area such as high levels of alcohol related crime and disorder, serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 27.2 An EMRO is a powerful tool as it can prevent licensed premises in a specified area from supplying alcohol during the times at which the EMRO applies. Prior to any determination to recommend to full council that an EMRO is proposed, it should be satisfied that it has sufficient evidence that such a measure would be appropriate for the promotion of the licensing objectives.
- 27.3 Any requests for an EMRO will be considered on the basis of evidence (guidance indicates the types of evidence that may be relevant) however, the

licensing authority will also consider evidence from local partners, responsible authorities, local Community Safety Partnerships or other party that they consider relevant in their determinations as to whether an EMRO would be an appropriate means of promoting the licensing objectives.

28. PERSONAL LICENCES

- 28.1 Premises licensed for the sale and supply of alcohol (excludes Club premises) are required by the Act to appoint a Designated Premises Supervisor (DPS) who must hold a personal licence issued under the Act. The applicant is required to pass a training course and undergo a check of their criminal record. The Police are the sole consultee in respect of applications for personal licences. Where the Police have concerns regarding the suitability of an individual to hold a person licence they may object to the Licensing Authority which would result in the matter being considered at a hearing by the committee.
- 28.2 At a hearing in respect of an objection to the granting of a personal licence, the Council will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The Council will only grant the application if it is satisfied that doing so will promote this objective.
- 28.3 *Following implementation of the Immigration Act 2016 the Council must be satisfied prior to issuing a personal licence that the applicant's immigration status does not disqualify them from holding a licence.*

29. TEMPORARY EVENTS

- 29.1 Temporary Event Notices (TENs) permit the carrying on of licensable activities at premises, which are not authorised by a premises licence or club premises certificate. No authorisation by the Council is required in respect of these events, as a TEN is a notification by the premises user to the Council.
- 29.2 There are standard or late TENS. Standard notification must be submitted to relevant authorities (Environmental Health in respect of the prevention of pollution and harm to public health and the Police) at least 10 working days prior to the event not including the day of giving notice or the day of the event. A late TENS may be given between 9 and 5 working days prior to the event, not including the day of giving notice and the day of the event. Where representations are received in respect of a TENS from the relevant authorities in respect of a standard TEN the matter will be placed before a committee of the Licensing Authority, however, representations relating to late TENS will result in the notification being rejected without recourse to a hearing before a sub-committee.
- 29.3 The Council will automatically reject any TENS which has been incorrectly completed or is not submitted within the appropriate timescales. In these circumstances the fee will not be refunded and notice givers must resubmit a TENS correctly.

- 29.4 Regulations prescribe that not more than 15 (effective 1 January 2016) TENS that may be submitted for a given premises during any year, and that the maximum number of aggregated days (i.e. total number of days or part days covered by the notices) shall not exceed a maximum of 21 days. The Council will serve a counter notice on the notice giver where these limits are exceeded.
- 29.5 The number of TENS that may be submitted by individuals is constrained by regulations. A personal licence holder may apply for up to 50 standard TENS or a combination of not more than 10 late TENS and 40 standard TENS. Persons who do not hold a personal licence may submit up to 5 standard TENS, or a combination of not more than 3 standard TENS and 2 late TENS. There are also constraints on submissions by associates of notice givers. A TENS may not be submitted by companies, groups or organisations. The Licensing Authority will automatically reject notices that are not submitted by individuals or exceed the quotas set out in respect of the number of TENS that can be submitted by individuals.
- 29.6 It is expected that notice givers will endeavour to notify the Council, Police and Environmental Health sufficiently in advance of the date of the event to enable discussions between all parties to ensure a safe and successful event. Conditions may only be attached to a notice where the TEN is in respect of a premises that has the benefit of a premises licence or club premises certificate. Only such conditions as are relevant to the proposed event may be imposed.

30. ENFORCEMENT

- 30.1 The Council has established a memorandum of understanding with the police and other enforcing authorities. The purpose of this document is to ensure efficient and effective co-operation between agencies when dealing with areas of mutual interest to secure:
- high levels of open communication;
 - clear lines of responsibility;
 - sharing intelligence
- 30.2 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's and Responsible Authorities enforcement policies. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 30.3 *Immigration Enforcement Officers powers of entry have been aligned with Licensing Enforcement Officers in order to facilitate joint enforcement operations and to enable investigation regarding illegal working or any immigration offence committed in connection with licensable activity.*

31. ADMINISTRATION

- 31.1 The council's licensing team administer all aspects of the Licensing Act 2003, including applications, representations and requests for assistance and advice. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries.

- 31.2 The council's website contains full information and guidance on all applications. The licensing team may be contacted for advice and guidance with an application, including pre-application advice. The council cannot assist to complete an application form; if assistance is needed applicants should contact a professional advisor, e.g. a solicitor or consultant.
- 31.3 Only complete applications that contain all of the information required by the Act will be accepted. The authority will notify applicants if the application is found to be incomplete as soon as practicable.
- 31.4 Postal or hand delivered applications will only be deemed as having been served when the application is received at the licensing office. Electronic applications will be accepted in a format which can be printed and are legible but will not be considered as served until such time as the appropriate fee has been paid. Electronic application includes transmission by facsimile machine or e-mail to the relevant addresses as stated on the application form. Application information and forms may also be made through the gov.uk website.
- 31.5 Application forms can be downloaded from the Caerphilly County Borough Council website at www.caerphilly.gov.uk for completion. Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

The Licensing Section,
Caerphilly County Borough Council
Ty Penallta
Tredomen Park
Ystrad Mynach
CF82 7PG
Tel: 01443 866750

E-mail: licensing@caerphilly.gov.uk

Information relating to the application process and the submission of electronic applications is also available via the Council's website www.caerphilly.gov.uk.

- 31.6 The Council will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 31.7 When determining applications the Council will have regard to any guidance issued under section 182 of the Licensing Act 2003. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Council's consideration will be balanced against the wider benefits of the community.

- 31.8 *Following implementation of the Immigration Act 2016 the Council must be satisfied prior to issuing a premises or personal licence that the applicant's immigration status does not disqualify them from holding a licence.*

32. GIVING REASONS FOR DECISIONS

- 32.1 Where an application for the grant, variation or review of an authorisation is considered by a committee the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions have been made with regard to its statement of licensing policy and the Guidance issued by the Secretary under section 182.

33. APPEALS

- 33.1 Where a party (includes applicants and persons or bodies who submitted relevant representations) are aggrieved by the decision of the Council they may appeal the decision to the Magistrates Courts. Such an appeal must be lodged within 21 days of being notified of the decision. This Council considers that the date of notification is the date upon which the appellant received written notification from the Council. Any party considering lodging an appeal is advised to seek independent legal advice.

POLICY CONSULTEES

CCBC - Elected Members
CCBC – Appropriate Directors and Heads of Service
Heddlu Gwent Police
Fire Service
Gwent Magistrates
Health and Safety Executive
Health Board
Neighbour Hood Watch (via Police CADRO)
Community and Town Councils
All Licensed Premises and Club Premises Certificate Holders
General Public - via web site and advertisement in newspaper
CCBC – Community Safety
CCBC - Equalities
CCBC – Legal
CCBC - Highways
CCBC - Environmental Health - Pollution Control
CCBC - Environmental Health - Food and Health and Safety
CCBC - Licensing Authority Responsible Authority
CCBC - Weights and Measures
CCBC – Planning

DEFINITIONS

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘The Council’ means the Caerphilly County Borough Council, acting as the Licensing Authority as defined in the Licensing Act 2003.

‘The County Borough’ means the County Borough of Caerphilly.

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).

‘Interested Party’ means a person living in the vicinity of premises, a body representing persons who live in that vicinity, a locally elected councillor or a person involved in a business in that vicinity or a body representing those persons involved in such businesses.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed);

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives.

‘Premises’ means any place and includes a vehicle, vessel or moveable structure.

‘Regulated Entertainment’ means:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

‘Responsible Authority’ means any of the following:

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The local weights and measures authority
- The Director of Social Services and the body representing matters relating to the protection of children from harm, currently the Local Safeguarding Children Board
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- *Home Office’s Secretary of State (Home Office Immigration Enforcement)*

SCHEDULE OF DELEGATIONS OF LICENSING FUNCTIONS AND DECISIONS

Matter to be dealt with	Licensing Committee	Licensing and Gambling Hearings Committee	Officers
Application for personal licence		If a police objection	If no objection made
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 to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for a minor variation			All cases
Application to disapply the requirement for a designated premises supervisor at community premises		If a police objection	If no objection made
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether interim		All cases	

Matter to be dealt with	Licensing Committee	Licensing and Gambling Hearings Committee	Officers
steps should be taken, following an application for an expedited review of a premises licence			
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 a police objection to a temporary event notice		All cases	

RESPONSIBLE AUTHORITY CONTACT DETAILS

Responsible Authority	Contact Details
<p>Police (Chief Officer of Police for area in which premises are situated)</p>	<p>The Chief Officer of Police FAO The Licensing Officer Heddlu Gwent Police 'C' Divisional Headquarters Blackwood Road Pontllanfraith Blackwood NP12 2XA Tel: 01495 232253/232267 E-mail: LicensingCDIV@gwent.pnn.police.uk</p>
<p>Fire And Rescue Authority (For area in which premises are situated)</p>	<p>Chief Fire Officer South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant CF72 8LX Tel: 01443 232713 E-mail: safety-east@SouthWales-fire.gov.uk</p>
<p>Health and Safety (Enforcing Authority within the meaning given by section 18 of the Health and Safety etc Act 1974 for the area in which the premises are situated)</p>	<p>Senior Environmental Health Officer (Food and Health and Safety) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: foodhealthand_safety@caerphilly.gov.uk</p>
<p>Health and Safety Executive (for HSE enforced and Council owned properties only CCBC)</p>	<p>Health and Safety Executive Government Buildings Phase 1 Ty Glas Road Llanishen Cardiff CF14 5SH</p>
<p>Planning (Local Planning Authority for area in which premises are situated)</p>	<p>Chief Planning Officer Planning Division Caerphilly County Borough Council Ty Dyffryn Dyffryn Industrial Estate Ystrad Mynach CF82 7FP E-mail: planning@caerphilly.gov.uk</p>

<p>Environmental Health (Statutory function for minimising or preventing the risk of pollution of the environment or of harm to human health.)</p>	<p>Team Leader Pollution Control Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: enviroservices@caerphilly.gov.uk</p>
<p>Weights and Measures Authority (Function of Trading Standards)</p>	<p>Senior Trading Standards Officer (Community Protection Section) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: tradingstandards@caerphilly.gov.uk</p>
<p>Child Protection (Body which represents those who are responsible for or interested in matters relating to the protection of children from harm and is competent to advise on such matters.)</p>	<p>Child Protection Co-ordinator (On behalf of the Local Safeguarding Children Board) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach CF82 7PG Tel: 01443 864744 E-mail: Planning&ChildProtectionTeam@caerphilly.gov.uk Quality,</p>
<p>Licensing Authority (Introduced by the Police Reform and Social Responsibility Act 2011)</p>	<p>Fair Trading Officer (Licensing Enforcement Officer) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG E-mail: morgac6@caerphilly.gov.uk</p>
<p>Primary Care Trust or Local Health Board (for any area in which the premises are situated)</p>	<p>Dr G Richardson, Executive Director of Public Health – Alcohol Licensing Lead Aneurin Bevan Gwent Public Health Team Victoria House 136-140 Corporation Road Newport NP19 0BH Email: publichealth.aneurinbevan@wales.nhs.uk</p>
<p><i>Home Office's Secretary of State (In practice Home Office Immigration Enforcement)</i></p>	<p><i>Alcohol Licensing Team, Lunar House 40 Wellesley Road Croydon, CR9 2BY Alcohol@homeoffice.gsi.gov.uk</i></p>

LEGISLATIVE CHANGES

A number of changes have been introduced which have a direct effect on the Licensing Act since the last statement of licensing policy. The changes / measures are summarised below:

Police Reform and Social Responsibility Act 2011

Introduced a number of changes to the Licensing Act with effect from September 2011 summarised as follows:

- Addition of the Licensing Authority as a Responsible Authority
- Addition of Primary Care Trusts and Local Health Boards as a Responsible Authority
- Removal of the 'vicinity test' as to who may make relevant representations
- Reducing the evidential burden on Licensing Authorities in that where the Act previously stated 'necessary' in most instances this was changed to 'appropriate'.
- The addition of those officers with responsibility for minimising or preventing the risk of pollution of the environment or of harm to human health as persons who could comment on Temporary Event Notices.
- The potential to add conditions to temporary Event Notices where the proposed event was to be held in a licensed premises. Only those conditions that were already stated on the licence and were relevant to the proposed event could be attached.
- Addition of a further category of Temporary Event Notice where the notices was served between and 9 and five working days prior to the event and referred to as 'late' as opposed to 'standard'.
- Extending the period for a temporary event notice from 96 hours to 168 hours.
- Extending the aggregated number of days covered by Temporary Event Notices from a maximum of 15 to 21 days.
- Introduced an offence of persistently selling alcohol to children
- Set out a power for Local Authorities to make Early Morning Restriction Orders, EMROs.
- Power for Local Authority to suspend premises licences or club registration certificates where there was a failure to pay the annual fee.
- Set out the power for the Secretary of State to make regulations permitting Local Authorities to determine fees in respect of licensed premises and club premises certificates. It should be noted that this has not been implemented at the time of writing the policy.
- Extended the period for revision of statements of licensing policy from three years to five years.

Legal Aid, Sentencing and Punishment of Offenders Act 2012.

With effect from the 26 March 2015 the 'cap' on fines which can be issued by the Magistrates' Court for a range of Licensing Act offences was removed. The effect is that where a fine was previously capped at £5,000 or above there is no limit on the fine that can be given by the Magistrates' Court and financial penalties are potentially unlimited.

This includes offences such as:

- Carrying on unauthorised licensable activities (previously £20,000);
- Exposing alcohol for unauthorised sale (previously £20,000);
- Allowing the sale of alcohol to children (previously £5,000);
- Persistently selling alcohol to children (previously £20,000);
- Consumption of alcohol by children (previously £5,000);
- Contravention of a closure order (previously £20,000);

Licensing Act (Descriptions of Entertainment) (Amendment) Order 2013

The order amended the definitions of entertainment as follows:

(i) That the entertainment—

- takes place in the presence of an audience, and
- is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

(ii) That in respect of performance of a play is that one or more of the following applies—

- the audience consists of more than 500 persons;
- the entertainment takes place before 8am on any day;
- the entertainment takes place after 11pm on any day.

(iii) Entertainment in respect of an indoor sporting event is that one or more of the following applies—

- the audience consists of more than 1000 persons;
- the entertainment takes place before 8am on any day;
- the entertainment takes place after 11pm on any day.

(iv) That in respect of a performance of dance is that one or more of the following applies—

- the audience consists of more than 500 persons;
- the entertainment takes place before 8am on any day;
- the entertainment takes place after 11pm on any day;
- the entertainment is relevant entertainment within the meaning of a Local Government (Miscellaneous Provisions) Act 1982 meaning “sexual entertainment venue”.

(v) Amendments were also made to the definitions of sporting event and boxing or wrestling entertainment

Live Music Act 2012 and Legislative Reform (Entertainment Licensing) Order 2014

The Live Music Act 2012 effectively exempt certain licensable activities from the requirement for a licence with effect from the 1 October 2014, summarised as follows:

- (i) Amplified live music (including karaoke) between 8.00 am and 11.00 pm in venues authorised to sell, and selling, alcohol on the premises where the venue consisted on one room with an audience not exceeding 200 persons.
- (ii) There is no limit on audience numbers where unamplified live music is provided between 8.00 am and 11.00 pm in a venue. No conditions relating to live music would have effect unless the licence had been subject to a review and conditions were imposed.
- (iii) The provision of performance of dance or theatrical performances between 8.00 am and 11.00 pm if the audience is limited to not more than 500 persons.
- (iv) Indoor sporting events between 8.00 am and 11.00 pm no longer classed as regulated entertainment if the audience is limited to not more than 1000 persons.

These changes were extended by the Legislative Reform (Entertainment Licensing) Order 2014. The additional changes were effective from the 6 April 2015 and are summarised as follows:

- (i) Recorded music deregulated between 08:00 and 23:00 in on-licensed premises provided the audience does not exceed 500
- (ii) However recorded music can become licensable if the licensing authority removes the effect of the deregulation following a licence review (“licence review mechanism”)
- (iii) Unlike live music – deregulation of recorded music does not apply to workplaces
- (iv) Live music or recorded music between 08.00 and 23.00 at the non-residential premises of a local authority provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance on the relevant premises from the local authority concerned
- (v) Any entertainment provided by or on behalf of a local authority on their own premises between 08:00 and 23:00
- (vi) Live music or recorded music between 08.00 and 23.00 on hospital premises provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance on the hospital premises from the healthcare provider concerned
- (vii) Any entertainment provided by or on behalf of a health care provider on their own hospital premises between 08:00 and 23:00

- (viii) Live music or recorded music between 08.00 and 23.00 on school premises provided that:
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance on the premises from the school proprietor concerned
- (ix) Any entertainment provided by or on behalf of a school proprietor on their own school premises between 08:00 and 23:00
- (x) Community premises live music or recorded music between 08.00 and 23.00 in a:
 - church hall,
 - village hall,
 - community hall or other similar community premises that is not licensed to sell alcohol provided that:
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance from a person who is responsible for the premises.
- (xi) Travelling circuses - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided:
 - it takes place within a moveable structure that accommodates the audience, and
 - that the travelling circus has not been located on the same site for more than 28 consecutive days
- (xii) A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00, provided that the audience does not exceed 1000
- (xiii) An exhibition of moving pictures if it is incidental to some other entertainment activity (referred to as incidental film):
 - Depends on the facts in each case
 - Does the appearance of moving pictures within another activity, for which no licence is required undermine the promotion of the licensing objectives?

It should be noted that the following remain as licensable activity:

- (i) Any entertainment activity after 11pm at night
- (ii) Most forms of entertainment activity in the presence of an audience of more than 500 people (with a few exceptions).
- (iii) Any sexual entertainment

The Deregulation Act 2015

The Act made numerous changes to a wide range of legislative controls not exclusively the Licensing Act 2003. The main effect for licensing has been:

- a) The criteria for obtaining a personal licence includes recognised training and consideration of any criminal convictions for relevant offences as listed in the Act. As of the 1 April 2015 the requirement to renew a personal licence was removed, the licence originally expired after ten years. As a consequence of these changes a personal licence lasts indefinitely unless surrendered or revoked.
- b) The offence of selling liqueur confectionery to children under 16 was repealed with effect from 26 May 2015. After that date a person of any age could buy liqueur confectionery in England and Wales
- c) The limit on the number of temporary events that can be held at single premises was increased from 12 to 15 per calendar year with effect from 1 January 2016.
- d) The requirement to report lost or stolen licences to the police before applying for duplicates was abolished with effect from 26 May 2015.
- e) An exemption from requiring a premises licence was introduced for the exhibition of films in community premises where a 'not-for-profit' film exhibition is to be held between 08.00 and 23:00 provided that the audience does not exceed 500 and the organiser:
 - (i) gets consent to the screening from a person who is responsible for the premises; and
 - (ii) ensures that each such screening abides by age classification ratings.

The Immigration Act 2016

The Act introduced measures to prevent illegal working in the alcohol and late night refreshment sector. The provisions commenced in England and Wales on 6 April 2017.

The new measures include:

- a) *Personal and premises licences cannot be issued to those persons disqualified by their immigration status.*
- b) *Licences issued on or after 6 April 2017 will lapse if the holder's lawful leave or permission to work ends.*
- c) *The Home Office's Secretary of State was added to the list of responsible authorities.*
- d) *Immigration Officers have powers to enter premises to investigate whether immigration offences are being committed in connection with licensable activities.*

Licensing Authorities are required to check the eligibility to work for all those persons applying for personal and premises licensed for the sale of alcohol and late night refreshment. Effectively licences must not be issued to disqualified persons who are:

- *Unlawfully present in the UK*
- *Not permitted to work, or*
- *Permitted to work, but not in a licensable activity.*

Applications from such persons are invalid and must be rejected.

CAERPHILLY COUNTY BOROUGH COUNCIL POOL OF CONDITIONS

LICENSING ACT 2003

INTRODUCTION

1. This pool of conditions covers a wide range of topics that may be of concern to applicants for premises licences and Responsible Authorities who may be considering making representations on applications. Interested parties and local residents or local businesses may also seek to propose conditions in respect of applications or as a means of addressing concern raised by the review process.
2. Applicants for club premise certificates may adapt any of the conditions listed but should replace any reference to premise licence or premises licence holder with club premise certificate.
3. Where a condition contains an instruction to insert any fact, the information must be supplied by the applicant.

AD ADVERTISING	
AD01	The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no licensable activity shall be advertised in a manner which contravenes the general law or cause a nuisance to the general public.
AD02	<p>In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or a constable upon request. The register shall record the following:</p> <ul style="list-style-type: none"> (i) Date and time of event and brief description of it; (ii) Name of the promoter(s), that is, the person(s) responsible for organising the event; (iii) Where the promoter is a company, its registered number; (iv) The proper address of the promoter; (v) Contact telephone number for promoter

CA CAPACITY, CONTROL AND MANAGEMENT OF CUSTOMERS	
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CA01	The total capacity for the event shall be limited to <i>(insert number)</i> persons. This limit includes performers, guests, staff and officials.
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CA02	There shall be no security passes for admission other than those issued to persons working on the site and to statutory authorities.
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CA03	Measures must be put in place to ensure that the capacity is not exceeded at any time.
CA04	All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.
CA05	Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.
CA06	Admission to the event shall be through the approved entrances. The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.
CA07	Documented 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.
CA08	<p>The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).</p> <ul style="list-style-type: none"> (i) The risk assessment(s) must take into account all relevant factors including space, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change; (ii) Where necessary separate occupancy levels must be set for different parts of the premises; (iii) The premises licence holder shall ensure that they consult the Public Health Services of Caerphilly County Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based; (iv) The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence; (v) Measures must be put in place to ensure that the capacity is not exceeded at any time; (vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable; (vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.
CA09	Where necessary separate occupancy levels must be set for different parts of the premises. The proposed capacity figure must be notified to the Licensing Authority within <i>(insert period)</i> of the date of <i>(insert either date of hearing or date of issue of licence)</i> .

CA10	There shall be no entry or re-entry to the premises after <i>(insert terminal hour for entry)</i> hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after <i>(insert terminal re-entry time)</i> hours on any morning is prohibited and that this prohibition also applies to people wishing to leave the premises to smoke.
CA11	The occupancy shall be restricted to <i>(insert number)</i> persons in the premises. <i>(limits may also be appropriate for different rooms or floors of premises)</i> . The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises/specified areas are not exceeded at any time.
CA12	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.
CA13	The premises licence holder shall support any taxi marshalling initiative that operates in the environs of the premises. This may include any fair and proportionate financial support from the premises licence holder.
CA14	The premises will operate in line with the <i>(insert name of policy e.g. Health and Safety, fire risk assessment and date submitted to the Licensing Authority)</i> or any amended version in operation from time to time. The premises licence holder shall give to the Licensing Authority not less than seven days notice of any proposed amendment to the aforesaid policy (including its deletion or its replacement) and shall provide to the Licensing Authority a copy of any amended policy prior to the change being implemented in the premises. A copy of the policy current at the time shall be provided to an authorised officer of the Licensing Authority or a constable upon request.

CC CCTV

CC01	<p>CCTV shall be in use at the premises.</p> <p>(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by <i>(insert date)</i>. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by <i>(insert date)</i> and the system be fully operational on that date;</p> <p>(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;</p> <p>(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;</p> <p>(iv) The correct time and date will be generated onto both the recording and the real time image screen;</p>
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	<p>(v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;</p> <p>(vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;</p> <p>(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during (<i>insert hours</i>) hours.</p>
CC02	A minimum of (<i>insert number</i>) head mounted mobile cameras (robo-cams) shall be in use at the premises from (<i>insert commencement hours</i>) hours until closing on each day that the premises are open to the public. One such camera shall be permanently located at the entrance and in each (<i>insert specified areas where appropriate</i>).
CC03	The CCTV system shall include all external areas of the premises.
CC04	A plan of the premises shall be annotated to show the location of all CCTV cameras within the premises, such a plan to be submitted to the Licensing Authority by the (<i>insert date</i>). Such a plan to be regularly updated in the event of any changes to the location of such cameras.
CC05	CCTV cameras shall monitor all areas used by premise patrons including any external smoking area to monitor numbers and prevent crime and disorder.
CC06	The CCTV covering any dedicated smoking area shall be fully installed and operational before the smoking area can be used.

CE CINEMATOGRAPHIC / FILM EXHIBITIONS	
CE01	<p>Careful consideration should be given as the circumstances in which these conditions may be pertinent i.e. main use cinema or video juke boxes in pubs and clubs.</p> <p>No film shall be exhibited unless –</p> <p>(i) it has received a ‘U’, ‘PG’, ‘12A’, ‘15’ or ‘18’ certificate of the British Board of Film Classifications; or</p> <p>(ii) it is a current newsreel, which has not been submitted to the British Board of Film Classification;</p> <p>no film classified as R18 may be exhibited in these premises.</p>
CE02	No person apparently under the age of eighteen years shall be admitted to

	any exhibition at which there is to be shown any film, which has received, a '18' certificate from the British Board of Film Classification. In such circumstances a "Challenge 25" policy should be adhered to and valid proof of age required before admittance.
CE03	No person apparently under the age of fifteen years shall be admitted to any exhibition at which there is to be shown any film which has received a '15' certificate from the British Board of Film Classification.
CE04	No person apparently under the age of twelve years shall be admitted to any exhibition at which there is to be shown any film, which has received a '12A' certificate from the British Board of Film Classification unless accompanied by an adult.
CE05	A representation or written statement of the terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in a form large enough for it to be read from any seat in the auditorium.
E06	There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures – <ul style="list-style-type: none"> (i) The title of each film to be shown on that day, other than trailers and films of less than five minutes duration; (ii) The approximate times of commencement of each such film' (iii) Whether each such film has received a 'U', 'PG', '12A', '15' or '18' certificate from the British Board of Film Classification, and (iv) The effect of such 'U', 'PG', '12A' or '18' certificates in relation to the admission of persons under the age of eighteen years.
CE07	The notice shall be not less than 36 inches in dimensions and shall be in the form specified hereunder, the distinguishing initial letters 'U', 'PG', '12A', '15' and '18' being not less than 1½ inches in height. CATEGORY 'U': Passed for universal exhibition CATEGORY 'PG': Passed for universal exhibition but parents are advised that the film contains some scenes which may be unsuitable for young children. CATEGORY '12A': Passed as suitable only for exhibition to persons of twelve years and over. Children under 12 must be accompanied by an adult. CATEGORY '15': Passed as suitable only for exhibition to persons of fifteen years and over. CATEGORY '18': Passed as suitable only for exhibition to adults. When a programme includes an '18' film no persons under eighteen years can be admitted.
CE08	The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the figure 'U', 'PG', '12A', '15' or '18' in any advertisement of the film displayed at the premises.
CE09	No advertisement displayed at the premises of a film to be exhibited at the

	premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Licensing Authority, as the case may be.
CE10	Where the Licensing Authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling that advertisement shall not be displayed at the premises except with the consent in writing of the Licensing Authority.
CE11	Where the Licensing Authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains matter which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the consent in writing of the Licensing Authority.
CE12	If the Licensing Authority request the licensee to exhibit to them any film shown or proposed to be shown by him, he shall do so at such time and to such persons as the Licensing Authority may direct.
CE13	No persons shall be permitted to enter or continue within the licensed premises in a state of intoxication. All persons within the premises whose conduct is deemed by the licensee to be conducive to any breach of the peace, tumult or disorder shall be forthwith removed there from. The licensee shall be responsible for the maintenance of good order and decent behaviour in the licensed premises, and he shall by himself and his servants assist to the utmost in the capture and expulsion of any offender.
CE14	There shall be fixed on each floor of the hall a special white signal light, to the approval of the Chief Constable, which shall be operated by a switch in the operator's box, and by a switch or switches fitted in an approved position in the hall. This light shall be used as a warning to attendants that an emergency exists and upon receiving the signal, attendants will take steps forthwith to control the movements of the audience and ensure the orderly and safe clearance of the hall.
<i>Conditions to be complied with when showing 'RESTRICTED' (18) films</i>	
CE15	No films in the 'RESTRICTED (18)' category may be exhibited except in a cinema operating as a club in accordance with the conditions set out below.
CE16	No club showing films in the 'RESTRICTED (18)' category may operate in a multi-screen complex whilst persons under the age of 18 are being admitted to any performance given in that complex.
CE17	An exception may be made to the above condition only if the cinema club and all facilities adjacent thereto, including foyers, lavatories and refreshment areas, are wholly segregated and accessible only through a separate entrance and box office.
CE18	All registers of members and visitors books of their guests shall be available

	for immediate inspection by the Licensing Authority during any performance, or at any other reasonable time.
CE19	Tickets shall in no circumstances be sold to persons other than members.
CE20	Front of house advertising for films in the 'RESTRICTED (18)' category will specify the category in which the film has been passed for exhibition but will include no pictorial material or other information about the names of performers or the plot. Newspaper advertisements for an exhibition will be limited to the inclusion of the titles of such films in the film listings column together with the category in which the film has been passed for exhibition.
CE21	No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs showing films in the 'RESTRICTED (18)' category.
CE22	Except with the prior consent of the Licensing Authority in writing, no intoxicating drinks shall be consumed, supplied or sold on the premises.
CE23	<p>Membership rules for club cinemas shall include the following:</p> <ul style="list-style-type: none"> (i) only members and their guests shall attend exhibitions of moving pictures classified in the 'RESTRICTED (18)' category; (ii) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applications shall provide satisfactory references and proof of age; (iii) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors; (iv) Members shall be entitled on any one day to bring not more than one guest to accompany the member and the name of the guest shall be entered in the visitor's book and countersigned by the member; (v) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued; (vi) Membership cards shall be personal to the member and shall not be transferable to any other person; (vii) Neither membership tickets nor guest tickets shall be transferable; (viii) No member shall introduce as a guest any person under the age of 18 or any person whose application for membership has been refused; (ix) Proof of identity, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the proprietors; (x) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration; (xi) A subscription may not entitle the club member to attend other clubs under the same management unless the prior consent of the Licensing authority has been obtained. (xii) On admission a member shall be bound by the rules of the club and by any byelaws and regulations made there-under.

CE24	For the purposes of these conditions ‘film’ means any exhibition of moving pictures produced otherwise than by the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or programmes included in a cable programme service which is, or does not require to be, licensed under Section 4 of the Cable and Broadcasting Act 1984.
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CL CEILINGS	
CL01	All ceilings and ornamental plasterwork in those parts of the premises to which the public are admitted shall be inspected at least once in every five years by a qualified person appointed by, or on behalf of the occupier of the premises free of expense to the Licensing Authority, and a certificate concerning the conditions of such ceilings and plasterwork shall, after each inspection, be forwarded to the Licensing Authority. Such inspections shall be made in the presence of an authorised officer of the Licensing Authority.
CL02	<p>The certificate required to be submitted by the previous paragraph of these conditions shall be in the following form:-</p> <p>“I/We hereby certify that the ceilings and ornamental plasterwork over all parts of the premises to which the public have access at <i>(insert name of premises)</i> have been inspected on <i>(insert date)</i> and these inspections indicate that such ceilings and plasterwork, so far as can be ascertained by visual or other examination, appear to be in a safe condition on this date”.</p> <p>Signed.....</p> <p>Competent Technical Advisor(s) to the Licensee(s). Date.....</p> <p>I/We hereby certify that I/We were present at the inspection referred to in this certificate and that the inspection was thoroughly carried out.</p> <p>Signed.....</p> <p>Technical Advisor(s) to the Licensing Authority. Date.....</p>
CL03	It shall be competent for the Licensing Authority in any instance to require the provision of a certificate as the safe condition of the aforesaid ceilings and plasterwork at such lesser intervals than five years as the Licensing Authority deem necessary.

CV CHILDREN AND VULNERABLE PERSONS	
CV01	All children shall vacate the premises by <i>(insert time)</i> hours.
CV02	<p>No person under sixteen years of age shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <ul style="list-style-type: none"> (i) He is the child of the holder of the premises licence; (ii) He resides in the premises, but is not employed there; (iii) He is in the bar solely for the purpose of passing to or from some part of the premises, which is not a bar, and to or from which there is no other convenient means of access or egress; (iv) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. <p><i>In this condition “bar” includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and intoxicating</i></p>

	<p><i>liquor is only sold or supplied to persons as an ancillary to their table meals;</i></p> <p>(v) He is in the bar in the company of a person who is aged 18 years or over.</p>
CV03	All open fireplaces or stoves must be protected when in use so as to prevent injury to vulnerable members of the public such as children, such as by the use of suitable fireguards.
CV04	Children must be accompanied by a responsible adult.
CV05	Intoxicating liquor will only be sold and supplied to customers who are engaging in a sit down table meal, as an ancillary to that meal.
CV06	If the recipient of a delivery of alcohol or the collection or delivery of a takeaway meal, which includes alcohol, appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo=card driving licence and passport.
CV07	The premises licence holder shall ensure that suitable policies are implemented to ensure the safety of vulnerable persons, such as disabled persons, on the premises whilst the licensable activity is taking place.
CV08	The premises licence holder shall ensure that suitable measures are implemented to ensure the safety if disabled persons. Regard should be made to any particular aspect of the premises layout or nature of activities that may pose particular hazards for disabled persons.
CV09	<p>People with disabilities may be permitted, to sit in the auditorium in wheelchairs, other than petrol driven chairs, subject to the following conditions:</p> <p>(i) A section of the auditorium approved in writing by the Licensing Authority shall be set aside for the accommodation of wheelchairs;</p> <p>(ii) The section of the auditorium so set aside shall be easy and direct access to the open air through an exit door additional to any exit door provided for use by other members of the audience;</p> <p>(iii) Where a person with disabilities requires the assistance of a helper, that helper shall be seated close at hand and be able to push the wheelchair, with its occupant, out into the open air in case of emergency, without difficulty;</p> <p>(iv) Petrol driven wheelchairs shall not be permitted on the premises.</p>
CV10	The premise licence holder shall ensure that all open fireplaces or stoves must be protected when in use so as to prevent injury to vulnerable members of the public such as children, such as by the use of suitable fireguards.
CV11	The premises shall not be permitted to be used for any adult entertainment

	or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, which prohibited uses include, among other things, nudity or semi-nudity films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 except where that is expressly permitted under a licence or waiver granted or given under that legislation.
CV12	There shall be no events for persons under 18 years of age
CV13	It shall be the responsibility of the premises licence holder, to ensure that an appointed person shall be in charge of the premises when regulated entertainment is taking place to ensure the safety of disabled persons on the premises.
CV14	A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.
CV15	Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or a constable.

DA DRUG ACTION	
DA01	Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.
DA02	The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
DA03	The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks to be recorded in a bound book kept for that purpose and to be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.
DA04	The premises licence shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers from a local drugs agency, dedicated to providing harm reduction

	information and to dealing with drug related incidents or emergencies appropriately.
DA05	The premises licence shall ensure that rest facilities are provided when required, to the satisfaction of the Licensing Authority, which are cooler, quieter and preferably separate from the main dance area(s). These 'chill out' areas should offer adequate seating.

DC DOOR CONTROL / STEWARDING	
DC01	Door supervisors who have been approved by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy. All door supervisors must ensure that identification bearing the customers photograph, date of birth and integral holographic mark or security measure is produced before allowing entry and where it is not, entry shall be refused. Suitable means of identification would include PASS approved proof of age card, photo-card driving licences and passports.
DC02	There shall be a minimum of <i>(insert number)</i> door supervisors, who have been accredited by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, on duty from <i>(insert hours)</i> hours on each trading day and who shall remain on duty until the premises closes.
DC03	<p>[A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> (i) Full name; (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation); (iii) The time they began their duty; (iv) The time they completed their duty. <p>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.</p> <p>[B] The premises licence holder shall ensure that the following details for each door supervisor are entered into a bound register kept for that purpose to include the following details:</p> <ul style="list-style-type: none"> (i) Name (ii) Date of birth (iii) Address (iv) Contact telephone numbers

	<ul style="list-style-type: none"> (v) SIA Certificate number, or registration number of any accreditation scheme recognised by the Licensing Authority (vi) The full details of any agency through which they have been allocated to work at the premises if appropriate <p>These details should be easily accessible to any authorised officer of the Licensing Authority or a constable.</p>
DC04	<p>[A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> (i) Full name; (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation); (iii) The time they began their duty; (iv) The time they completed their duty. <p>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.</p> <p>[B] The premises licence holder shall ensure that the following details for each door supervisor are entered into a bound register kept for that purpose to include the following details:</p> <ul style="list-style-type: none"> (vii) Name (viii) Date of birth (ix) Address (x) Contact telephone numbers (xi) SIA Certificate number, or registration number of any accreditation scheme recognised by the Licensing Authority (xii) The full details of any agency through which they have been allocated to work at the premises if appropriate <p>These details should be easily accessible to any authorised officer of the Licensing Authority or a constable.</p>
DC05	<p>The premise licence holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an “Incident Report Register” in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.</p>
DC06	<p>The premise licence holder shall require the designated premises</p>

	supervisor, or in his/her absence other responsible person to identify by name, those persons performing duty as door security personnel to an authorised officer of the Licensing Authority or a constable.
DC07	The Door Stewards shall be responsible for preventing the admission and ensuring the departure from the premises of persons who are drunk and disorderly in such a manner as not to cause further disorder.
DC08	Door Stewards shall prevent access to the premises of any excluded individual (subject to Court bans or bans imposed by the licence holder).
DC09	Where queuing is allowed outside of a premises door steward(s) shall maintain an orderly queue of patrons.
DC10	Where there is provided in any building regulated entertainment for children, or regulated entertainment at which the majority of the persons attending are children, then, if the number of children attending the regulated entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed, wherever necessary, a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the premises, or any part thereof, than the premises or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all reasonable precautions for the safety of the children.
DC11	In pursuit of the proper co-ordination of stewarding of the site and provision of the required level of assistance in the event of an emergency situation arising, the premises licence holder shall ensure that a suitably competent person from amongst the door supervisors/security staff is attached to the emergency services team at all appropriate times as a liaison point for stewards and security staff.
DC12	The minimum number of door supervisors provided at venues, holding regulated entertainment for less than 500 persons, shall be based on a risk assessment.
DC13	The minimum number of door supervisors provided at venues, holding regulated entertainment for more than 500 persons, shall be based on a risk assessment. The risk assessment shall follow the recommendations as laid out in the Health and Safety Executive's Event Safety Guide or any other similar guidance recognised by the Licensing Authority.
DC14	The premise licence holder shall ensure that appropriate measures are employed at the premises to verify the ages of customers obtaining alcohol. Any measures that are to be used shall be approved by the Licensing Authority in consultation with the Police.
DC15	<i>Please note that this condition is directed specifically at problem premises.</i> Door supervisors shall be provided at the premises to a ratio of 1:85 patrons. Where the premises incorporates a dedicated smoking area within its curtilage a minimum of (<i>insert number</i>) door supervisors shall

	permanently monitor the smoking area during (<i>insert appropriate hours</i>).
DC16	A minimum of (<i>insert number</i>) door supervisors shall be permanently stationed at each entrance/exit [excluding fire exits] to the premises.
DC17	Door Supervisors shall be on duty at the premises on each trading day from (<i>insert commencement hours</i>) until (<i>insert terminal hours</i>).
DC18	All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.
DC19	<i>Please note that this condition is directed specifically at problem premises.</i> All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of 'high visibility' clothing (such as a jacket or waistcoat).
DC20	When licensable activities occur on a Sunday before a Bank Holiday, SIA registered door staff shall be employed during all trading hours.

EL ELECTRICAL FITTINGS AND INSTALLATIONS

EL01	Temporary electrical wiring and distribution systems shall not be provided without notification to the Licensing Authority at least 10 days before the commencement of works and a prior inspection by a suitably qualified electrician. A record shall be kept by the premises holder.
EL02	The fixed electrical wiring installation and any portable electrical appliances should be inspected and tested by a competent person at the appropriate frequency specified in the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same) for that type of premises and equipment. Records of this inspection shall be maintained by the licence holder and made available at the premises for inspection by any authorised officer of the Licensing Authority or a constable.
EL03	All temporary electrical wiring and distribution systems shall comply with the recommendations of British Standard No. 7671 or where applicable British Standard No. 7909 or any British Standard replacing or amending the same.
EL04	The premise licence holder shall ensure that a Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amps, are fitted to all power circuits supplying sockets that may be used by entertainers / members of the public for plugging in electrical equipment. These should be regularly tested to ensure they are still functioning as required.
EL05	With regard to premises with outdoor areas, a Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

EL06	Proper means of access for maintenance of all electrical fittings or apparatus shall be provided.
EL07	<p>Electrical installation in areas used by members of the public shall be subject to the following:</p> <ul style="list-style-type: none"> (i) Any alterations made to electrical installations, including the use of temporary wiring and distribution systems, shall comply with the relevant edition of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same). (ii) All electrical equipment and installations shall be subject to regular visual checks to ensure that they are safe and in good working order, as well as formal routine tests by a competent person as advised in the aforementioned BS 7671 guidance. (iii) A Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

EX EXTERNAL AREAS	
EX01	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 22:00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
EX02	All outside areas must be closed and cleared of customers by 22:00 hours. Adequate notices shall be displayed to inform patrons of this requirement.
EX03	The premises licence holder shall investigate and propose measures to enclose the garden area to a sufficient height to prevent patrons or members of the public accessing or egressing the garden areas over the existing boundary within 3 months of the date of the hearing (i.e. <i>insert date</i>). Such proposals to be implemented subject to the applicants' best endeavours to obtain planning permission. It is anticipated that the works to be completed within one year of the date of the hearing (i.e. by (<i>insert date</i>)).
EX04	A risk assessment shall be conducted and regularly reviewed to assess the numbers of persons that the outside area can safely accommodate. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.

FA FIRST AID	
FA01	For events where it is anticipated that more than 100 persons will be in attendance or where an activity is taking place that is likely to give rise to personal injury (e.g. indoor sporting events/use of special effects/etc.), the premises licence holder shall ensure that first aid provision is available at all times that licensable activity is taking place and shall have a suitably qualified first-aider on the premises during that period.

FA02	The minimum standard of first aid provision for events of more than 500 persons shall be in accordance with a risk assessment. The risk assessment shall take into account the recommendations of the Health and Safety Executive's Event Safety Guide or any other guidance recognised by the Licensing Authority.
FA03	<p>The premises licence holder shall provide medical facilities, which are adequate for the purpose by the Ambulance Service. Details of the organisation of these services shall be provided to the Licensing Authority not less than 14 days prior to an event. The medical facilities shall include:</p> <ul style="list-style-type: none"> (i) Sufficient means of communication between the first aid post(s) and the main control point on the site and/or stewards, and an adequate standby point for ambulances; (ii) Adequate medical facilities within the pit area/backstage area; (iii) A facility within the concert area serving as the main medical facility provided by the approved contractor for medical facilities. <p>Persons wearing distinctive dress shall staff the first aid post(s), and the first aiders on site shall be available to offer assistance through the whole site.</p>
FA04	Individual toilet units, not available for general public use shall be sited adjacent to the first aid post(s).
FA05	The premises licence holder shall notify the Great Western Ambulance NHS Trust (or equivalent) of the first-aid operating on site, prior to the event and of the on site telephone contact point for the said agency. The Great Western Ambulance NHS Trust shall certify to the satisfaction of the Licensing Authority that adequate arrangements have been made with the first-aid agency operating on the site to deal with emergencies.
FA06	Adequate medical facilities shall be available on site from the time when it is first occupied by the public to the time when it is vacated. The level of provision shall be as advised by the Ambulance Service and the time at which the provision ceases shall be subject to the agreement of the Licensing Authority.

FE FIRE FIGHTING EQUIPMENT AND FIRE PRECAUTIONS

Please note that there are no conditions in this section as potential conditions have been superseded by the Regulatory Reform Order relating to Fire Safety.

GS GENERAL SAFETY AND EVACUATION

GS01	All doors and fastenings shall at all times be kept in proper working order.
GS02	Any door not usable by the public to be marked "PRIVATE", notices bearing the words "NO EXIT" or "NO WAY OUT" shall not be used.
GS03	A door or gate shall not open immediately upon a step or steps. A landing having a width of not less than 900 mm shall be provided between the door and gate and the step or steps.

GS04	Barriers for checking or controlling admission shall not be used without permission of the Licensing Authority.
GS05	Temporary barriers, other than rope barriers of a type approved by the Licensing Authority, shall not be provided. Rope barriers approved by the Licensing Authority shall be fitted with automatic catches or slip connections and shall be arranged so as not to trail on the floor when parted, and the fittings shall not project into the gangway or exit way.
GS06	Curtains shall not be hung across gangways or over staircases; where hung over doorways or across corridors they shall draw easily from the centre and slide freely and shall be clear of the floor. All hangings, curtains and temporary decorations shall be maintained in a flame retardant condition.
GS07	All curtains, hangings and temporary decorations are arranged so as not to cause any obstruction.
GS08	Any temporary decorations are not used without prior notification to the Licensing Authority.
GS09	Stairways, corridors or gangways shall not be used as cloakrooms and no pegs for hanging hats, cloaks or other articles shall be fitted therein. All escape routes shall be kept free of any obstruction. Where cloakrooms are provided, they shall be so situated that the persons using them shall not interfere with the free use of any exit route.
GS10	The public shall be permitted to leave by all exit and entrance doors after each performance, entrances being considered and treated as exits for all purposes, provided that they are not revolving doors or fitted with turnstiles.
GS11	Adequate means of escape shall be provided from all dressing rooms.
GS12	Gangways shall be of adequate width for the number of persons served, and in no case shall be less than 1.1 m wide.
GS13	There shall be no projection, which would diminish the clear width of the gangway.
GS14	No person shall be permitted to sit or stand in any gangway, unless by express permission of the Licensing Authority who shall stipulate the space allowed for standing and the number of persons permitted to stand.
GS15	Emergency exits will be kept clear of obstructions at any time when licensable activities are taking place.
GS16	A continuous handrail shall be securely fixed on each side of all staircases, steps and landings at a height of not less than 840 mm nor more than 1 metre, measured vertically from the pitch line, except that only one such handrail need be provided to such staircases, flights of steps or landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.
GS17	The premises licence holder shall provide training for all staff to ensure that they

	are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or a constable.
GS18	Paper decorations, not being decorations the whole surface of which is directly affixed to walls or ceilings, shall not be permitted.
GS19	Predetermined arrangements shall be made for alerting staff in the event of any emergency. These arrangements shall be of such a nature not to alarm the public.
GS20	All employees or persons involved in the organisation and control of events shall have allotted to them specified duties to be performed in the event of fire, panic or other emergency. Such duties shall aim at the avoidance of panic and the safe evacuation of the premises where necessary rather than the extinction of fire.
GS21	All exit doors shall be easily opened without the use of key, card, code or similar means.
GS22	Doors of such exits are to be regularly checked to ensure that the doors function satisfactorily and a record of the check is kept in a log book for that purpose.
GS23	Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated during times of use (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks etc.)
GS24	Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the premises licence holder (such as escape routes), the premises licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use of these shared areas and that none of the other licensing conditions may be breached.
GS25	Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the premises licence holder must ensure that there are appropriate arrangements in place that will ensure that as far as is possible, the third party is aware of the licensing conditions and has in place their own arrangements which will ensure that the licensing objectives are not compromised.
GS26	All traffic routes used by members of the public (including entrance ways, gangways, lobbies, corridors, passages and exit routes and all steps and stairways) should have: <ul style="list-style-type: none"> (i) Nosings of the treads of steps in a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions; (ii) Any changes in level clearly visible to members of the public, such as by using contrasting colours or additional lighting; (iii) Mats more than 1 cm thick sunk to floor level unless of rubber with wide bevelled edges. A continuous handrail securely fixed on each side of all staircases, steps and

	landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.
GS27	Heavy Fittings. Heavy fittings such as projectors, stage lights, etc., must have not less than two independent means of suspension e.g. clamp and chain.
GS28	Smoking Area. If patrons are to be allowed to use the area for smoking then the following conditions must apply: <ul style="list-style-type: none"> (i) The area must be adequately monitored by door staff 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 adequately controlled; (ii) If there is a risk that patrons may acquire illegal items such as drugs or weapons whilst in this area then they must be searched before being allowed to re-enter the premises; (iii) Patrons must not be allowed to take drinks to the smoking area; (iv) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff; (v) The area must be regularly swept to remove cigarette ends; (vi) Adequate 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>).
GS29	All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article of substance which may cause a person to slip, tip or fall.
GS30	Barriers for checking or controlling admission shall not be used save in accordance with a documented policy that includes the following: <ul style="list-style-type: none"> (i) Risk assessments; (ii) Details of type to include design, construction materials, size – e.g. height (iii) Precise location of all elements of the barrier <p>Said document having been provided to the Licensing Authority, to be kept with the licence records.</p>
GS31	The floors of all gangways, lobbies, corridors, passages and other exit routes and the tread of all steps and stairways shall be non-slippery and flat. The nosings of the treads of steps, changes of level and stairways shall be of a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions. (premises may be exempt from this requirement where the premises is a listed building or similar).

GB GLASS / BOTTLES

GB01	The Licensee shall ensure that any bottles or glasses are removed from persons leaving the premises.
GB02	No bottles containing beverages of any kind whether opened or sealed shall be

	given to customers on the premises for consumption by those persons on the premises whether at the bar or by staff service away from the bar.
GB03	The contents of any bottled beverage shall be decanted into a plastic / PTE / glass before service to any customer.
GB04	The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.
GB05	No customer carrying open or sealed beverage containers shall be admitted to the premises at such times as they are open to the public.
GB06	Bottles containing wine may only be sold in connection with a table meal to customers who are seated in an area of the consumption of food that is away from the main bar.
GB07	Items of glass-ware (such as glasses, bottles, etc) shall not be permitted in the outdoor area/dance-floor area [*delete as appropriate].
GB08	Glazing. Windows and mirrors must be of safety glass or adequately protected from breakage, particularly when they are in safety critical locations. They must also be marked to make their presence obvious.
GB09	All beverages (including alcoholic and non alcoholic drinks) shall only be dispensed in polycarbonate, plastic or non-glass containers.
GB10	The contents of all glass bottles shall be decanted by bar staff into polycarbonate, plastic or non-glass containers. All glass bottles are to be retained behind the bar for safe disposal.
GB11	The premises licence holder shall ensure that any bottles or glasses are removed from persons leaving the premises.

HF LATE NIGHT REFRESHMENT [HOT FOOD]

HF01	<p>It shall not be lawful to make any charge for or in connection with the entertainment of persons in the refreshment house during the hours of late opening, whether for the supply of food or drink, for admission, for service of any description or for any other matter, except any reasonable charge for use of cloakroom or toilet facilities unless:</p> <p>(i) A tariff or charges made in the refreshment house is during those hours kept displayed in such position and in such manner that it can be conveniently read by person frequenting the refreshment house and can be so ready by any such person before entering; and</p> <p>(ii) The charge is specified for the matter in question in the tariff; and</p> <p>(iii) The charge is no more than that stated in the tariff</p>
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HF02	It shall not be lawful to seek to obtain custom for the refreshment house by means of personal solicitation outside or in the vicinity of the refreshment house.
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NP NOISE PRECAUTIONS	
NP01	<p><i>Whilst it is recognised that short-term exposure is unlikely to cause long term hearing damage, it is recognised that it may cause short-term health problems such as tinnitus, acoustic trauma or temporary threshold shift if the noise levels are excessive.</i></p> <p>The premises licence holder shall ensure that:</p> <p>(i) The speakers are not placed in positions where members of the public can stand within close proximity to them.</p> <p>(ii) Consumer-friendly signs that give advice about hearing protection shall be appropriately displayed.</p> <p>Earplugs are either available free of charge or that they are available for purchase by patrons.</p>
NP02	Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
NP03	Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.
NP04	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.
NP05	Alarms shall be fitted to (Specify location of external windows/fire doors) to alert staff when (they are) (it is) opened without authorisation.
NP06	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.
NP07	The specification, location and orientation of all permanently fixed speakers shall be agreed with an authorised officer of the Licensing Authority.
NP08	No repositioning or replacement of speakers or any amplification equipment shall be carried out without consultation with and the agreement of an authorised officer of the Licensing Authority.
NP09	Noise from music and associated sources shall not be audible in noise sensitive premises <i>(between the hours of 23.00 and 07.00 the next day) (at any time).</i>
NP10	In order to improve the sound attenuation of the premises the <i>(doors(s)) (window(s))</i> at <i>(specify)</i> shall be fitted with <i>(double) (secondary)</i> glazing to the satisfaction of the Licensing Authority by <i>(insert date)</i> .
NP11	<i>(Doors) (Windows) (Openings) (Ventilators) (Airbricks (fans))</i> in the external fabric of the premises shall be acoustically <i>(sealed) (treated)</i> to the satisfaction of the Licensing Authority by <i>(insert date)</i> .
NP12	A (sound trap lobby/acoustic door/automatic door closer) shall be installed at

	(describe the location) to the satisfaction of the Licensing Authority by (insert date).
NP13	<p>Noise limiting devices</p> <p>If officers of the Caerphilly County Borough Council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise-limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises.</p>
NP14	A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
NP15	The noise limiting device shall be installed and set at a level approved by the Licensing Authority (<i>in consultation with the Pollution Control Section of the Caerphilly County Borough Council</i>) within 1 month of notification, for its requirement, from either the Licensing Authority or the Pollution Control Section of the Caerphilly County Borough Council.
NP16	The noise limiting device can only be reset with the authority of an officer of the Caerphilly County Borough Council.
NP17	The noise limiting device shall be reset by an officer of the Caerphilly County Borough Council, if deemed necessary.
NP18	The noise limiting device shall be properly secured so that it can not be tampered with.
NP19	<p>Monitoring</p> <p>The manager, licence holder or other competent person shall carry out 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 start time</i>) and (<i>insert finish time</i>) whilst the Premises Licence is being exercised in order to establish whether there is a noise breakout from the premises. 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. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.</p>
NP20	<p>Sound Insulation Works</p> <p>A detailed scheme of sound insulation works shall be submitted to and approved in writing by the Licensing Authority. The approved details shall be implemented in full prior to the commencement of the premises licence.</p>
NP21	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 Caerphilly

	County Borough Council. All recommended works shall be completed prior to the commencement of the premises licence.												
NP22	A report shall be submitted detailing the potential for noise from <i>(specify) (amplified music) (refrigeration) (ventilation) (air conditioning plant) (other)</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 to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties from the licensed premises.												
NP23	The report shall be approved in writing by Caerphilly County Borough Council and all recommended works completed prior to the commencement of the premises licence.												
NP24	All entrances are lobbied with 2 separate self-closing doors.												
NP25	All internal speakers are attached to independent wall linings and not to the ceiling.												
NP26	All speakers are mounted on speaker brackets that incorporate isolating rubber mounts.												
NP27	Any bass bins are installed within acoustic enclosures that isolate the speaker from the building structure.												
NP28	The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas <i>(such as terraces and beer gardens)</i> do so in a quiet and orderly fashion.												
NP29	Noise from premises shall not result in exceedances of the following noise levels expressed as <i>[x minute LAeq]</i> at <i>[stated location]</i> . <table border="1" data-bbox="300 1267 1386 1411"> <thead> <tr> <th>Frequency Range</th> <th>From a hours to b hours</th> <th>From y hours to z hours</th> </tr> </thead> <tbody> <tr> <td>(Whole range)</td> <td>x dBA</td> <td>y dBA</td> </tr> <tr> <td>(63Hz octave band)</td> <td>x dB</td> <td>y dB</td> </tr> <tr> <td>(125 Hz octave band)</td> <td>x dB</td> <td>y dB</td> </tr> </tbody> </table>	Frequency Range	From a hours to b hours	From y hours to z hours	(Whole range)	x dBA	y dBA	(63Hz octave band)	x dB	y dB	(125 Hz octave band)	x dB	y dB
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(125 Hz octave band)	x dB	y dB											
NP30	Sound Insulation Works A detailed scheme of sound insulation works shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team. The approved works shall be provided in full prior to commencement of any regulated entertainment should the Premises Licence be granted.												
NP31	A report shall be submitted detailing and recommending a scheme of sound insulation works for the partition between the licensed premises and adjacent residential usage. The report shall also consider the noise leakage from the building and also consider the volume and nature of the music likely to be desired by the premises. The report shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any regulated entertainment should the Premises Licence be granted. <i>Guidance</i>												

	<p><i>The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of PPG 24 Planning Policy Guidance: Planning and Noise, BS4142: 1997. 'Method of rating industrial noise affecting mixed residential and industrial areas' and BS 8233: 1999 'Sound Insulation and Noise Insulation for Buildings – Code of Practice'.</i></p> <p><i>The recommended design criteria for dwellings are as follows:</i> <i>Daytime (07.00 – 23.00) LAeq (16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq (8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms.</i></p>
NP32	<p>(i) A report shall be submitted detailing the potential for noise from (<i>insert – amplified music, refrigeration, heating, ventilation and air conditioning plant etc</i>) at the premises from affecting neighbouring noise sensitive properties at (<i>insert</i>).</p> <p>(ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.</p> <p>(iii) The report shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any regulated entertainment should the Premises Licence be granted.</p> <p><i>Guidance</i></p> <p><i>The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of PPG 24 Planning Policy Guidance: Planning and Noise, BS4142: 1997. 'Method of rating industrial noise affecting mixed residential and industrial areas' and BS 8233: 1999 'Sound Insulation and Noise Insulation for Buildings – Code of Practice'.</i></p> <p><i>The recommended design criteria for dwellings are as follows:</i> <i>Daytime (07.00 – 23.00) LAeq (16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq (8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms.</i></p>
NP33	In order to improve the sound attenuation of the premises the [<i>doors/windows</i>] at [<i>specify</i>] shall be fitted with [<i>double/secondary</i>] glazing to the satisfaction of an authorised officer of the Pollution Control Team.
NP34	[<i>Openings/specify</i>] in the external fabric of the premises must be acoustically sealed to the satisfaction of an authorised officer of the Pollution Control Team.
NP35	A [<i>sound trap lobby / acoustic door / automatic door closer</i>] shall be installed at [<i>describe the location</i>] to the satisfaction of an authorised officer of the Pollution Control Team.

NP36	<p>Noise Limiting Device <i>Limiter required from commencement of Premises Licence – this condition may be required where representations are submitted or if the licence is being reviewed.</i></p> <p>(i) A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.</p> <p>(ii) The noise limiting device shall be installed and set at a level approved by the council through its authorised environmental health officer prior to the opening of the premises in conjunction with the premises licence.</p> <p>(iii) The noise limiting device shall be properly secured so that it can not be tampered with.</p> <p>(iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team.</p> <p>If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.</p>
NP37	<p><i>(Condition regarding limiter only triggered if nuisance witnessed)</i></p> <p>(i) If officers of the council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.</p> <p>(ii) The noise limiting device shall be installed and set at a level approved by the council through an authorised officer of the Pollution Control Team within 1 month of notification, for its requirement, from the Licensing Authority.</p> <p>(iii) The noise limiting device shall be properly secured so that it can not be tampered with.</p> <p>(iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team.</p> <p>(v) If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.</p>
NP38	<p><i>(Limiter already set)</i></p> <p>(i) A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.</p> <p>(ii) The noise limiting device shall be kept at the settings approved by the council through an authorised officer of the Pollution Control Team on <i>(Date)</i>.</p> <p>(iii) The noise limiting device shall be properly secured so that it can not be tampered with.</p> <p>(iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team.</p> <p>(v) If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.</p>

NP39	<p>Monitoring</p> <p>(i) The manager, licensee or other competent person shall carry out observations in the vicinity of the properties at [insert], on at least [insert] intervals between [insert] and [insert] whilst live music, karaoke or DJ's playing recorded music is taking place to establish whether there is a noise breakout from the premises.</p> <p>(ii) 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.</p>
NP40	<p>(i) A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout.</p> <p>(ii) Such book to be made available at all times upon request to a police officer or an officer of the local authority.</p>
NP41	<p>One off Events</p> <p>The organiser shall appoint a suitably qualified and experienced noise control consultant approved by the council through an authorised officer of the Pollution Control Team no later than (insert) weeks prior to the event. The noise control consultant shall liaise between all parties including the promoter and sound engineer and the Licensing Authority etc on all matters relating to noise control prior to and during the event. The consultant must be experienced in noise propagation and control, particularly from music events.</p>
NP42	<p>The control limits set at the mixer position shall be adequate to ensure that Music Noise Level (MNL) shall not exceed LAeq (15 mins) of (insert) over a 15 minute period at the nearest noise sensitive premises throughout the duration of the event.</p>
NP43	<p>A noise propagation test shall be undertaken at a time to be agreed prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event.</p>
NP44	<p>The organiser shall ensure that the promoter, sound supplier and all individual sound engineers are informed of the sound control limits.</p>
NP45	<p>A logging noise level meter shall remain at the mixing desk so that the noise consultant and sound engineers can ensure that the predetermined noise levels are not exceeded. The results of the monitoring shall be provided to the Licensing Authority within 10 working days following the event.</p>
NP46	<p>During the events the noise consultant shall monitor noise levels at (insert) and at any other sites deemed necessary by the council during the event.</p>
NP47	<p>The consultant shall be able to contact the mixer desk and advise the sound engineer accordingly to ensure that the Licensing Authority can contact the consultant and sound engineer throughout the events and during the sound checks. The results of the monitoring shall be provided to the Licensing Authority within 10 working days following the event.</p>
NP48	<p>The exact times of all sound checks and performances shall be submitted to, and</p>

	approved by the Licensing Authority no later than 10 working days before the events. (In order to prevent disturbance to the occupiers of (insert) no sound checks shall be carried out before (insert hours).
NP49	Details of the time, date and duration of set up and dismantling of the stage and other associated noise generating activities (refuse disposal, provision and emptying of toilets, generators, etc.) outside the times of the performances shall be submitted to, and approved by the Licensing Authority no later than 10 working days before the events.
NP50	All local residents likely to be affected by noise from the event shall be informed in writing as to: (i) The exact times of all performances and sound checks. (ii) A contact name and telephone number should they wish to make a complaint of noise.
NP51	The occupiers of premises, detailed below, shall be informed in writing, no later than 10 days before the event of the exact times that the event will operate and a contact name and telephone number should they wish to make a complaint of noise (insert addresses).
NP52	Whilst the event is being held, the licensee, event organiser or other competent person shall carry out observations in the immediate area around the event, to assess the level of noise. Should such observations confirm that noise is disturbing to the occupiers of premises in the vicinity, then appropriate steps shall be taken to control noise levels in order to prevent disturbance to local residents.
NP53	Orientation of speakers be such that all sound is directed away from residential properties and towards (insert).
NP54	Customer Noise Except for access and egress all doors and windows shall be kept closed after (insert) hours.
NP55	Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
NP56	The (garden/patio) must not be used by customers after the hours of (insert).
NP57	The car park must be securely locked to prevent access to customers cars between (insert) and (insert) providing the locking of the car park does not effect any means of escape or any evacuation plan.
NP58	There shall be no consumption of beverages purchased from the premises outside of the premises.
NP59	There shall be no consumption of beverages in any outside areas/specific after (insert) hours.
NP60	Any outdoor areas to (the front/rear of) the premises must not be used by customers or staff after 22.00 hours.
NP61	The premises supervisor, manager or other competent person shall manage any

	outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
NP62	Clear notices must be displayed at prominent points in all outdoor areas (informing them as to the requirements of points (insert and insert i.e. no drinks, hours of use, above and) requesting that they respect the needs of local residents and behave in a quiet and orderly manner.
NP63	A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.
NP64	There shall be no consumption of beverages purchased from the premises in open containers outside at the front of the premises.
NP65	No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
NP66	<p>Noise from plant and equipment Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity. Recommendation:</p> <p>a) The rating level of any noise from any fixed plant shall not exceed the background noise level by more than 0dB at the nearest noise sensitive property as determined by BS 4142: 1997 Method of rating industrial noise affecting mixed residential and industrial areas at any time.</p> <p>b) Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.</p> <p><i>Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.</i></p>
NP67	Signage. Signs shall be prominently displayed at the premises requesting that patrons respect local residents and leave the premises quietly.

OA OPEN AIR REGULATED ENTERTAINMENT

Unique conditions will be attached to an open air event to meet the specific requirements of the Licensing Authority or its Responsible Authorities dependent on the site, the type of entertainment to be held and the anticipated audience.

PP PERFORMANCE OF PLAYS – ONLY APPLICABLE IF AUDIENCE IN EXCESS OF 500 PEOPLE

PP01	All scenery which expression includes all cloths, draperies, gauze cloths, hangings, curtains, fabric decorations and all floral decorations, and all properties of whatsoever kind on the stage shall be non-flammable and shall be available for test by officers of the Fire Authority.
PP02	Scenery (except that in use for the current production) shall only be kept in an

	appropriate scene and property store.
PP03	Ropes attached to counterweights shall be tested by a competent person appointed by the premises licence holder at such intervals as may be necessary to guard against failure, and in any event not less than once every twelve months.
PP04	Where smoking is essential to the action of the performance, such additional precautions as may be required by the Licensing Authority shall be strictly observed.
PP05	The safety curtain to the proscenium opening shall be lowered and raised in the presence of each audience.
PP06	In the event of the safety curtain being out of order, the licensee shall immediately notify the Chief Fire Officer.
PP07	Whenever the safety curtain is lowered, sufficient lights shall be immediately lighted to give good general illumination of the auditorium.
PP08	No scenery or apparatus of whatsoever kind shall at any time during the performance cross the plane of descent of the safety curtain, or in any circumstances interfere with its descent.
PP09	Except with the consent of the Licensing Authority scenery or properties shall not be placed on the auditorium side of the safety curtain.

PS PREMISES – SECURITY	
PS01	Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.
PS02	The premises licence holder shall ensure that the car park of the premises shall be illuminated at all appropriate times but that outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.
PS03	The premises licence holder shall ensure that the barrier to the car park shall be properly secured at all appropriate times, providing that securing of the barrier does not effect any means of escape or any evacuation plan.
PS04	The premises holder shall ensure that the burglar alarm shall be maintained and implemented at the premises.
PS05	The premises holder shall ensure that the premises are a member of any locally operating Pub Watch Scheme.
PS06	The premises licence holder shall ensure that signage is appropriately displayed in

	the premises advising all customers not to leave any belongings unattended.
PS07	The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or a constable upon request.
PS08	Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or a constable upon request. The premises licence holder shall make suitable arrangements with the Police for the collection of any seized items.
PS09	<i>This condition is aimed at problematic premises</i> Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police.
PS10	An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation.
PS11	Spirits shall be located (insert location), and all other alcoholic beverages to be located on display in such a position that it is not obscured from the constant view of the cashier / staff by other fixtures. (If this is reasonably practical because of refrigeration or other limitations, the Licensing Authority shall be consulted regarding other suitable locations in the premises).
PS12	The requirement for the presence of a security officer shall be subject to consultation and review with the Licensing Authority and the Police. On those occasions when security staff are deemed to be required they shall be at the premises between the hours of (insert hours) hours daily.
PS13	The need for security guards shall be assessed by the licence holder / designated premises supervisor on a regular basis and security guards shall be employed when and where the assessment requires. However, as a minimum, one dedicated SIA registered (or other accredited scheme recognised by the Licensing Authority) security guard shall be employed at the premises.
PS14	The premises licence holder shall provide contact details for any security personnel employed at the premises to an authorised officer of the Licensing Authority or a constable upon request.

PW POLICE LISASON, PUB WATCH OR SIMILAR SCHEMES	
PW01	The premises licence holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.
PW02	Subject to reasonable notice being given which save in an emergency shall be not less than seven days, the premises licence holder shall ensure attendance at any meeting convened by the Police to discuss any matters relating to the premises.

RL RADIO LINKS	
RL01	The premises shall be incorporated into Storennet, or Pub Watch, or similar scheme operating within Caerphilly County Borough Council
RL02	The radio equipment shall be kept in working order at all times.
RL03	The radio equipment shall be made available to and be monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public.
RL04	Any Police instruction / direction received via the radio scheme shall be complied with whenever given.
RL05	All instances of crime or disorder are reported via the radio equipment by the designated premises supervisor or a responsible member of staff to an agreed Police contact point.

SA CONTROLS FOR SALE OF ALCOHOL	
SA01	All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
SA02	<p>(a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.</p>
SA03	The premises licence holder shall required the designated premises supervisor, or

	in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
SA04	The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.
SA05	Intoxicating liquor will only be sold and supplied to customers who are engaging in a sit down table meal, as an ancillary to that meal.
SA06	All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.
SA07	All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal and that a person aged 18 or over is accompanying the individual.

SE PROVISIONS RELATING TO ADULT ENTERTAINMENT	
SE01	Striptease or adult types of entertainment will only take place in designated areas approved by the Licensing Authority. Arrangements for access to the dressing room shall be approved by the Licensing Authority and shall be maintained at all times whilst striptease is taking place and immediately thereafter.
SE02	Whilst striptease entertainment is taking place, no person aged under the age of 18 will be allowed on that part of the licensed premises where the striptease entertainment is taking place and such part must not be visible from other parts of the premises. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:- 'No person under 18 years will be admitted'.
SE03	Dancers not performing must not be in a stated of undress in any area in which the public have access.
SE04	Dancers shall only perform on the stage area or to seated customers.
SE05	Performers shall be aged not less than 18 years.

SE06	The premises licence holder must not permit the display outside of the premises of photographs or other images which indicate and suggest that striptease or similar dancing takes place on the premises.
SE07	There shall be at least (insert number) registered door supervisor(s) on the premises when the striptease entertainment is taking place.
SE08	There shall be no physical contact between customer and the performer before, during or after the performance other than the placing of money or tokens into the hands of the dancer, or by the placing of notes by the customer in a garter worn by the performer for that purpose.
SE09	The premises licence holder, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (other than in accordance with SE08 above).
SE10	The performer shall at all times wear, for females, a g-string and males appropriate clothing to cover their genitalia adequately and the clothing shall not be transparent or removed.
SE11	No performer shall at any time reveal any part of their genitalia or anus.
SE12	No sex act shall take place.
SE13	The area proposed for striptease shall: <ul style="list-style-type: none"> (a) Be in a position where the performance cannot be seen from the street. (b) Be in a designated area of the premises with segregation from the audience. (c) Be in a position where the performers will have direct access to the dressing room without passing through or in close proximity of the audience.
SE14	The entertainment shall be given only by performers / entertainers and the audience shall not be permitted to participate.
SE15	Persons appearing on stage shall go directly between the dressing room and designated performance area without passing through or in close proximity to the audience.
SE16	Striptease / exotic / adult entertainment dancers (including table side / lap / pole dancers) must immediately dress at the conclusion of each performance.
SE17	Entertainment provided by topless (only) dancers to customers seated at tables may only take part in those parts of the premises approved by the Licensing Authority. No audience participation shall be permitted.
SE18	Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her / his manager / supervisor.
SE19	No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
SE20	No dancer may perform if they are intoxicated.

SE21	No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
SE22	All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
SE23	Signs must be displayed at the entrance to the dance area stating: 'Any customer attempting to make physical contact with a dancer will be asked to leave', Signs must be sufficient in size, legible and positioned so as to be read by all customers entering the dance area.
SE24	No dancer shall perform any sexually explicit or lewd act.
SE25	Whilst dancing takes place not less than (insert agreed number) of Door Supervisors registered Security Industry Authority or other accredited scheme recognised by the Licensing Authority shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Licensing Authority.
SE26	CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public.
SE27	Striptease entertainment or any exotic entertainment involving full nudity shall not be permitted at the premises.
SE28	The premises shall not be permitted to be used for any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children which prohibited uses include, among other things, nudity or semi-nudity, films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982) except where that is expressly permitted under a licence or waiver granted or given under that legislation.

Conditions to be complied with when showing 'RESTRICTED (18)' Films

No films in the 'RESTRICTED (18)' category may be exhibited in a cinema operating as a club in accordance with conditions CE16 – CE25

SF SANITARY FACILITIES

SF01	Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for places of entertainment or the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.
SF02	In respect of temporary sanitary facilities the premises licence holder shall ensure that the servicing of sanitary accommodation takes 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.
SF03	In respect of temporary sanitary facilities the premises licence holder shall ensure

	that the removal of sewage takes place hygienically and appropriately at the conclusion of the event or as required.
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ST SEATING	
ST01	In any part of the premises which is regularly used for a closely-seated audience all seats shall be securely fastened to the floor. In premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve chairs whenever more than 200 persons are to be accommodated. There shall be a space of not less than twelve inches between the back of one seat and the front of the one behind, measured in perpendiculars, provided that in premises erected before 4 October 1948; the space shall be not less than may be allowed by the Licensing Authority. Except with the consent of the Licensing Authority, no seat shall be more than 4 metres from a gangway. Any upholstered seating and furniture which is either purchased, provided or replaced during the period of the licence shall meet the current British Standard. All upholstered seating and furniture shall be properly maintained and be in good condition.

SM SMOKING AREAS	
SM01	Dedicated smoking areas within the curtilage of premises. The smoking area shall be permanently monitored by a minimum of (insert number) SIA or other accredited scheme recognised by the Licensing Authority registered door staff during (insert hours) hours. The amount of people in this area will not exceed (insert occupancy number) persons; this shall be monitored with (insert method of monitoring occupancy number) from a position (insert positions from which monitoring is to take place). The numbers and location shall be permanently monitored by a SIA or other accredited scheme recognised by the Licensing Authority registered (or other accredited scheme recognised by the Licensing Authority) door staff located at (insert location from which door staff can conduct this duty).
SM02	<i>This condition is aimed at problematic premises where there are external smoking areas which may be viewed as areas of potential concern</i> Where smoking areas within curtilages of premises abut areas to which the public have access then the following condition will be deemed as appropriate. (a) A safety netting, mesh or screen (of a gauge that satisfies the requirements for the 50% rule for enclosed space walling under smoking legislation), shall be fitted and maintained in order to prevent objects being passed from the outside into the smoking area. (b) Intoxicating liquor shall not be permitted into the access walkways leading to and within the smoking area. (c) Any bottle or bin stores located near an external smoking facility shall be enclosed and secured. (d) There shall be no furniture in the outside areas, with the exception of the appropriate wall mounted receptacles for tobacco waste materials. (e) Public access areas outside of the smoking area shall have PIR lights operated

	<p>and maintained in order to draw attention to persons moving around outside the smoking area.</p> <p>(f) Calculations regarding the smoking area shall be deemed as forming a part of the premises licence</p> <p>(g) The smoking area shall be thoroughly cleaned, provided with adequate lighting and painted so as to clearly designate this area as the smoking area.</p> <p>(h) The floor of the smoking area shall be level.</p> <p>(i) An adequate number of wall-mounted ashtrays shall be provided in the smoking area.</p> <p>(j) Staff shall be instructed to clean the smoking area and adjacent pavements of smoking-related litter before and after each period of use.</p>
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SX SPECIAL EFFECTS, NOVEL AND ONE OFF PROMOTIONS	
SX01	<p>(a) All special effects, equipment and mechanical installations shall be selected, arranged, stored and used so as to minimise any risk to the safety of the audience, performance and staff. This must be on the basis of a written risk assessment.</p> <p>(b) 'Special effects' include: Dry ice machines, cryogenic fog machines, smoke machines and any other type of fog generators, pyrotechnics including fireworks, explosives and other highly flammable substances, real flame, firearms, motor vehicles, strobe lighting, lasers, foam, any other unusual or novel effect.</p> <p>(c) Furthermore written permission must be sought from the licensing authority <u>before</u> using any of the above – for the first time and after any significant changes have been made to the venue, usage of the effect or the equipment itself.</p>
SX02	No outdoor fireworks or other pyrotechnics shall be used other than with the prior consent of an officer of the Pollution Control Team.
SX03	A documented risk assessment of promotional or one-off 'entertainment' events shall be conducted by the management of the venue and such risk assessment shall be available upon request by an authorised officer of the council or the Police. Promotional or one-off events shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.
SX04	Use of premises by third parties. Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the premises licence holder must ensure that there are appropriate procedures in place that will ensure that as far as possible, the third party is aware of the licensing conditions and has in place their own procedures / arrangements which will ensure that the licensing objectives are not compromised.
SX05	Except where expressly permitted no lasers, smoke producing effects, light shows (strobe lights) or pyrotechnics shall be used at any time when licensable activity is taking place.

SX06	Except where expressly permitted, explosives or highly flammable substances shall not be brought on to or used in the premises at any time when any licensable activity is taking place.
SX07	Acts and performances. No act or performance where there may be a risk of injury from fire; falling objects or people; impact; moving equipment; animals or any other source should take place within the venue unless it is done safely and without risk to the public. Control measures must be decided on the basis of a written risk assessment, which must be submitted to the Licensing Authority at least 14 days before the event. Written permission of the Licensing Authority must be given before the act or performance can go ahead.
SX08	Unless the express consent of the Licensing Authority is obtained and subject to any conditions attached to such consent, no person shall give at the premises (otherwise than as provided by Section 5 of the Hypnotism Act 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any 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 intended to be increased.

TL TELEPHONE

TL01	The premises licence holder shall ensure the designated premises supervisor, or nominated deputy in their absence, provides unhampered use of a telephone on the premises for use in an emergency, while licensable activity entertainment is taking place, in premises that do not have the benefit of a permanent phone installation then a mobile phone must be available.
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TR TRAINING

TR01	The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by authorised members of the Licensing Authority or a constable.
TR02	All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers.
TR03	A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised office of the council or the Police. 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.

VN VENTILATION

VN01	All parts of the licensed premises used by members of the public shall be effectively and suitably ventilated by a sufficient quantity of fresh or purified air. The air within the premises shall be maintained at a reasonable and comfortable temperature immediately before and during their use by patrons. Guidance on this should be sought from Guide B 'Heating, Ventilation, Air conditioning and Refrigeration' issued by the CIBSE (Chartered Institute for Building Services Engineers) or any document replacing the same.
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WM WASTE MANAGEMENT / ODOURS

WM01	No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
WM02	The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.
WM03	The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.
WM04	The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.
WM05	The premises licence holder, premises supervisor or event manager, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.
WM06	An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the Licensing Authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the Licensing Authority.
WM07	Activities relating to the on site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between (insert hours and days as necessary).
WM08	The collection of refuse, bottles and recyclable materials shall only take place (insert hours and days as necessary).

WM09	Activities relating to deliveries shall only take place between (insert hours and days as necessary).
WM10	<p>Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.</p> <p>Recommendation:</p> <p>It is recommended that any flues for the dispersal of cooking smells shall either:</p> <p>(a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or;</p> <p>(b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.</p> <p><i>Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs, Product Code PB10527.</i> http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf</p>
WM11	The premises licence holder shall ensure that all packaging provided with takeaway food is marked in some way as to show its point of origin.
WM12	Foul water arising from the operation of the premises shall be disposed of in an appropriate manner.
WM13	Where a premises i.e. mobile unit is regularly removed from site the premises licence holder shall ensure that site is properly cleaned and that any accumulations of surface grease are properly cleansed and removed from the site.