



WAVERLEY BOROUGH COUNCIL

Licensing Team, Chief Executive's Dept, Waverley Borough Council, The Bury, Godalming, Surrey GU7 1HR

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We FARNHAM RUGBY UNION FOOTBALL CLUB LTD (insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description WILKINSON WAY MONKTON LANE FARNHAM SURREY	
Post town FARNHAM	Post code GU9 9ND

Telephone number at premises (if any) 07826 262050
MAIN LINE TO FOLLOW

Non domestic rateable value of premises £ TO BE ADVISED

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- | | |
|---|---|
| | Please tick ✓ |
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) The proprietor of an educational establishment please complete section (B)
- f) A health service body please complete section (B)
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) The chief officer of police of a police force in England and Wales please complete section (B)

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - Statutory function; or
 - A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over Please tick ✓

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	FARNHAM RUGBY UNION FOOTBALL CLUB LTD
Address	WICKINSON WAY MONKTON LANE FARNHAM SURREY
Registered number (where applicable)	07170252
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY, RUGBY CLUB
Telephone number (if any)	07826 262050
E-mail address (optional)	sterehopper3103@hotmail.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	1	0	7	2	0	1	2

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

Please give a general description of the premises (please read guidance note 1)

THE PREMISES IS A TWO STORY BUILDING. IT HAS EIGHT CHANGING ROOMS AND TOILETS ON THE GROUND FLOOR UPSTAIRS IS THE CLUBHOUSE WHICH CAN BE DIVIDED INTO THREE. THERE IS ALSO A OFFICE, KITCHEN AND BAR.

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performance of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	09.00	00.00	Please give further details here (please read guidance note 3)		
Tue	09.00	00.00			
Wed	09.00	00.00	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	09.00	00.00			
Fri	09.00	01.00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09.00	01.00			
Sun	09.00	09.00			

OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	09.00	00.00	Please give further details here (please read guidance note 3)		
Tue	09.00	00.00			
Wed	09.00	00.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	09.00	00.00			
Fri	09.00	01.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09.00	01.00			
Sun	09.00	00.00			

OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	09.00	00.00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue	09.00	00.00	
Wed	09.00	00.00	
Thur	09.00	00.00	
Fri	09.00	01.00	
Sat	09.00	01.00	
Sun	09.00	00.00	
Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)			NEW YEARS EVE TILL 02.00

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			Please give further details here (please read guidance note 3)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place Indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	00.00	Please give further details here (please read guidance note 3)		
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	01.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR NEW YEARS EVE TILL 02.00		
Sat	10.00	01.00			
Sun	10.00	00.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place Indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	00.00	Please give further details here (please read guidance note 3)		
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	01.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5) OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR NEW YEARS EVE TILL 02.00		
Sat	10.00	01.00			
Sun	10.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	00.00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	01.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5) OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR NEW YEARS EVE 02.00		
Sat	10.00	01.00			
Sun	10.00	00.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	00.00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	01.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5) OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR NEW YEARS EVE TILL 02.00		
Sat	10.00	01.00			
Sun	10.00	00.00			

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	10.00	00.00		
Tue	10.00	00.00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Wed	10.00	00.00		
Thur	10.00	00.00	Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Fri	10.00	01.00		
Sat	10.00	01.00	OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR NEW YEARS EVE TILL 02.00	
Sun	10.00	00.00		

J

Provision of facilities for dancing Standard days & timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
Mon	10.00	00.00		
Tue	10.00	00.00	Please give further details here (please read guidance note 3)	
Wed	10.00	00.00		
Thur	10.00	00.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri	10.00	01.00		
Sat	10.00	01.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sun	10.00	00.00		
			OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR. NEW YEARS EVE TILL 02.00	

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing							
			Will the entertainment facility be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Indoors	<input type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input checked="" type="checkbox"/>
Indoors	<input type="checkbox"/>									
Outdoors	<input type="checkbox"/>									
Both	<input checked="" type="checkbox"/>									
Day	Start	Finish								
Mon	10.00	00.00	Please give further details here (please read guidance note 3)							
Tue	10.00	00.00								
Wed	10.00	00.00	State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)							
Thur	10.00	00.00								
Fri	10.00	01.00	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list. (please read guidance note 5) OUT DOOR EVENTS A MAXIMUM OF SIX TIMES PER YEAR NEW YEARS EVE TILL 02.00							
Sat	10.00	01.00								
Sun	10.00	00.00								

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)						
			<table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Indoors	<input type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input checked="" type="checkbox"/>
Indoors	<input type="checkbox"/>								
Outdoors	<input type="checkbox"/>								
Both	<input checked="" type="checkbox"/>								
Day	Start	Finish							
Mon	23.00	00.30	Please give further details here (please read guidance note 3)						
Tue	23.00	00.30							
Wed	23.00	00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)						
Thur	23.00	00.30							
Fri	23.00	01.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5) OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR NEW YEARS EVE TILL 02.30						
Sat	23.00	01.30							
Sun	23.00	00.30							

M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	10.00	00.00	State any seasonal variations for the sale of alcohol (please read guidance note 4)			
Tue	10.00	00.00				
Wed	10.00	00.00				
Thür	10.00	00.00		Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5).		
Fri	10.00	01.00				
Sat	10.00	01.00				
Sun	10.00	00.00				
			OUTDOOR EVENTS A MAXIMUM OF SIX EVENTS PER YEAR			
			NEW YEARS EVE TILL 02.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	STEVEN JOHN HOPPER
Address	53 NEWTON WAY TONGHAM PARHAM SURREY
Postcode	GU10 1B4
Personal licence number (if known)	LI12/00062
Issuing licensing authority (if known)	CORNWALL COUNCIL
Personal licence expiry date (if known)	30TH SEPTEMBER 2015

N

Please highlight 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 (please read guidance note 8)

FROM TIME TO TIME WE MAY HOLD STAG/HON PARTIES AND GENTLEMENS/LADIES NIGHTS. THESE WILL BE HELD INSIDE ONLY AND NO UNDER 18'S PERMITTED.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	00.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	09.00	00.30	
Wed	09.00	00.30	
Thur	09.00	00.30	
Fri	09.00	01.30	
Sat	09.00	01.30	
Sun	09.00	00.30	

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

WE WILL RUN A SAFE AND LEGAL ESTABLISHMENT IN ACCORDANCE WITH THE FOUR MAIN LICENSING OBJECTIVES. TAKING GUIDANCE AND ADVICE FROM THE POLICE AND COUNCIL AS AND WHEN THEY SUGGEST

b) The prevention of crime and disorder

AS WELL AS BEING AN ACTIVE MEMBER OF PUBWATCH, WE WILL HAVE A C.C.T.V SYSTEM AND ALARM AS PER THE ATTACHED GUIDANCE NOTES ALONG WITH CONTINUED STAFF TRAINING. LOGGING ALL INCIDENTS.

c) Public safety

WE WILL OPERATE THE CHALLENGER 21 POLICY AS PER THE ATTACHED GUIDANCE NOTES LOGGING ALL INCIDENTS.

d) The prevention of public nuisance

WHEN WE HAVE LATE EVENTS DOORS AND WINDOWS WILL BE SHUT AT 11.00 P.M CUSTOMERS WILL BE ENCOURAGED TO LEAVE IN A QUIET MANNER. THERE WILL BE POSTERS TO ADVERTISE THIS AS WELL.

e) The protection of children from harm

CHILDREN UNDER THE AGE OF 16 WILL BE ACCOMPANIED BY A PARENT OR GUARDIAN. IF WE HAVE LADIES OR GENTLEMENS EVENINGS UNDER 18'S WILL BE EXCLUDED.

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

/
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/

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature:

[Handwritten Signature]

Date:

11/1/2012

Capacity:

CHAIRMAN

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature:

Date:

Capacity:

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

AS BEFORE

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



WAVERLEY BOROUGH COUNCIL
Licensing Team, Waverley Borough Council,
The Bury, Godalming, Surrey GU7 1HR

Consent of individual to being specified as premises supervisor
under the Licensing Act 2003

I STEVEN JOHN HOPPER [full name of prospective premises supervisor]
of 53 NEWTON WAY
TONGHAM
FARNHAM
SURREY GU10 1B4

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises
supervisor in relation to the application for PREMISES LICENCES [type of
application]

by FARNHAM RUGBY UNION FOOTBALL CLUB LTD [name of applicant]
relating to a premises licence [number of existing licence, if any] for
WILKINSON WAY
MONKTON LANE
FARNHAM
SURREY GU9 9ND

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by
[name of applicant] concerning
the supply of alcohol at

[Dotted lines for additional information]

(name and address of premises to which application relates).

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number LI12/00062..... [insert personal licence number, if any]

Personal licence issuing authority CORNWALL LICENCE DEPARTMENT

COUNCIL OFFICES.....

DOLGOATH AVENUE.....

CAMBORNE.....

CORNWALL TR14 8SX..... 01209 614000

[insert name and address and telephone number of personal licence issuing authority, if any]

.....signed

STEVEN JOHN HOPPER..... name (please print)

11-7-12..... dated

Application for a New Premises Licence – Farnham Rugby Union Football Club

After negotiations with the police licensing officer we would like to amend our application to include the following conditions.

The premises will only be used by club members and their guests except when it is hired out for private functions.

Private functions will have to be booked at least seven days in advance and will be booked under a written hire agreement.

The club will operate under club rules and under these rules a person may not be admitted to membership or be admitted, as candidates for membership or to any of the privileges of membership without an interval of at least two days between their nomination or application for membership and their admission.

A register of all members will be kept at the premises.

We will only have a maximum of six outdoor events per year which will be limited to a maximum of 2000 persons and no live or recorded music at these events will be allowed outside after 22:00. These events will not go beyond midnight. The events will be notified to the police licensing officer and licensing authority at least two weeks in advance.

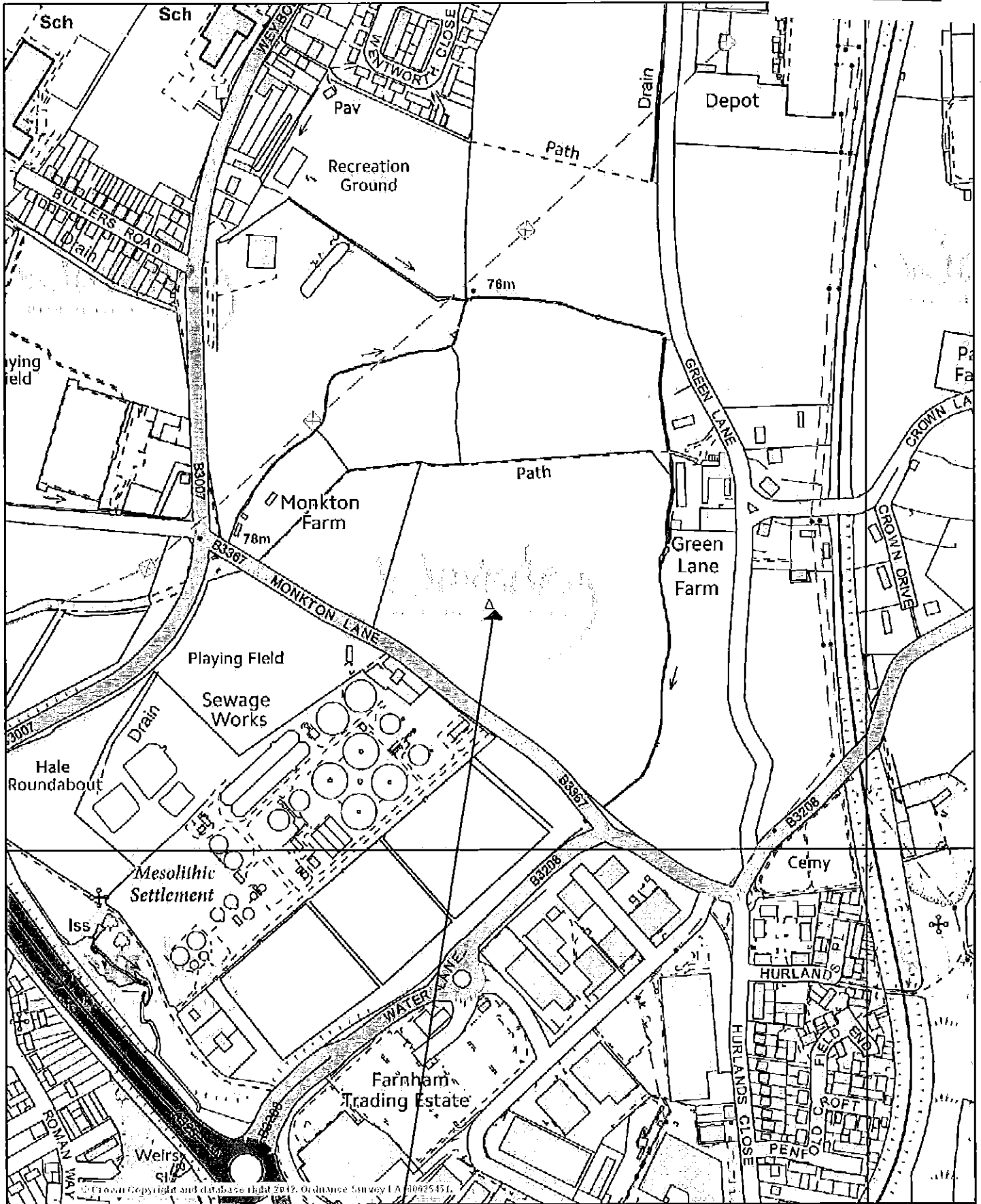
Except for the outdoor events, the outside areas will not be used for the consumption of alcohol or food after 22:00 except for the balcony which will not be used for the consumption of alcohol or food after midnight.

1. The licence holder shall maintain a comprehensive digital colour CCTV system at the premises that ensures all public areas of the licensed premises are monitored, including all public entry and exit points and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and video recordings shall be available for a minimum of 28 days with time and date stamping. Recordings shall be made available to an authorised officer or police officer together with facilities for viewing. There will be a capability to download to CD/DVD
The recording system will be locked in a secure cupboard together with the mains supply.
2. Staff shall be trained in the law relating to the sale/supply of alcohol and written records will be kept for inspection. This will include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There will be an ongoing training regime with refresher/reinforcement training at intervals of no more than six months.
3. The premises will operate a Challenge 21 policy and will only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.
4. Outside areas will not be used for the consumption of alcohol or food after 22:00
5. No glasses or bottles will be allowed to be taken outside after 22:00
6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Borough Council or the Police, which will record the following:
 - a. All crimes reported to the venue
 - b. All ejections of patrons
 - c. Any complaints received
 - d. Any incidents of disorder
 - e. Seizures of drugs or offensive weapons
 - f. Any faults in the CCTV system
 - g. Any refusal of the sale of alcohol
 - h. Any visit by a relevant authority or emergency service

7. Off Sales: Alcohol shall not be sold/supplied in open containers

8. All external doors and windows will be kept closed during regular entertainment and in any case after 23:00, except for access to and egress from the premises.

9. Notices will be displayed asking customers to leave the premises quietly



Waverley Borough Council
 The Burs, Godalming, Surrey
 GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 523118



Farnham Rugby Club

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Scale 1/5000 Date 16/8/2012

Centre = 485630 E 148238 N



Kate Halsall

From:
Sent:
To:
Subject:



Please register my objection regarding this application.

My concern would be for the level of noise generated, either on site or from the increased traffic, also any site lighting i.e high power and/or laser which might be used for outside events affecting the adjacent residential areas.

An application has been received for a new premises licence. The application is for plays, films and indoor sporting events 09:00-00:00 Sunday to Thursday and 09:00-01:00 Friday and Saturday with New Year's Eve until 02:00 (outdoor events a maximum of six events per year); live music, recorded music, performance of dance, anything similar, making music, facilities for dancing, facilities for anything similar and on and off sales of alcohol 10:00-00:00 Sunday to Thursday and 10:00-01:00 Friday and Saturday with New Year's Eve until 02:00 (outdoor events a maximum of six events per year); late night refreshment 23:00-00:30 Sunday to Thursday and 23:00-01:30 Friday and Saturday with New Year's Eve until 02:30 (outdoor events a maximum of six events per year); and opening hours 09:00-00:30 Sunday to Thursday and 09:00-01:30 Friday and Saturday with New Year's Eve until 02:30. If you would like to make comment or representation on this application, the last date for representations is 9th August 2012. If you have any queries in respect of this application, please do not hesitate to contact this office.

Application Type

Premises
Address
Applicant

Farnham RUFC

66 Winkton Lane, Farnham

New

Farnham RUFC Ltd

Kate Halsall

From:
Sent:
To:
Cc:
Subject:

3

As requested this is submitted to the Licensing department of Waverley Borough Council, before 9th August.

Ref: An application from:

Farnham RUFC
Wilkinson Way,
off Monkton Lane,
Farnham,
Surrey,
GU9 9ND

The application is for plays, films and indoor sporting events 09:00-00:00 Sunday to Thursday and 09:00-01:00 Friday and Saturday with New Year's Eve until 02:00 (outdoor events a maximum of six events per year)
; live music, recorded music, performance of dance, anything similar, making music, facilities for dancing, facilities for anything similar and on and off sales of alcohol 10:00-00:00 Sunday to Thursday and 10:00-01:00 Friday and Saturday with New Year's Eve until 02:00 (outdoor events a maximum of six events per year)
; late night refreshment 23:00-00:30 Sunday to Thursday and 23:00-01:30 Friday and Saturday with New Year's Eve until 02:30 (outdoor events a maximum of six events per year)
; and opening hours 09:00-00:30 Sunday to Thursday and 09:00-01:30 Friday and Saturday with New Year's Eve until 02:30.

If you would like to make comment or representation on this application, the last date for representations is 9th August 2012. If you have any queries in respect of this application, please do not hesitate to contact this office.

My objection to the above application is:

- **Under** prevention of crime and disorder: We can only wait & see, if this is approved as requested.
- **Under** public safety, This may be brought into question with large numbers of vehicles leaving at such a late hours.
- **Under** prevention of public nuisance, the hours proposed and events suggested, seems in excess and would easily cause concern if given a blanket arrangement as proposed. Especially with outside events staying open till beyond 1.30am in the morning. There is bound to be noise, which could disturb and cause a nuisance. If this is required they should be an application for each proposed event. This then can be considered along with the current licensee and any operational issues raised by the police, and neighbours, to be considered. Leaving it so open is like giving authority to do as they wish, when ever they want and to hours which are well beyond any other licensee.
- **Under** protection of children from harm. Other than the example this gives of late opening and no doubt a place to attract others who find other places of enjoyment closing down to them. This should reflect a club atmosphere, open only to members know and registered. This application seems to be so open as to disregard normal standards.

As a comment this application seems to fall into the category of aggressive, it doesn't state on whether the neighbours or local residents support such hours of opening. As a new club to Weybourne wanting local support, it would seem to be sensible to

reflect the views of such residents. I don't get that impression and would like this to be rejected completely.

I suggest a more reasonable approach by RUFC, with documented support for the new proposed hours should be required.

Kate Halsall

From: Paul Hughes
Sent: Wednesday 25 July 2012 08:56
To: Kate Halsall
Subject: FW: FRFC Licence Application

(4)

Hi Kate,

I forwarded some emails using my phone re the rugby club. Hopefully you got them there was the one below and 2 others.

Regards

Dear Mrs Beel

I refer to the above application

Dear Mrs Beel,
I strongly oppose the granting of such a licence

As ever it will be the thin end of the wedge, as their original planning application has been

- 1 Any outdoor music or entertainment will echoe right down the "green gap" and disturb many households
- 2 Further increased traffic flow arising from such events. The junctions with the Lower Farnham Road and the B3007 are not very good anyway
- 3 It is a rugby club and not an entertainment:drinking club, there are lots of drinkilng holes near by , an extra one is NOT needed. (The Elms, The Cricketeers, The Crown,The Shepherd and Flock and The Six Bells, all within less than a mile I would say)
- 4 Increased risk of rowdiness and antisocial behaviour associated with such events and for which rugby clubs and players have a poor reputation (whether deservedly or not!)
- 5 Young players are meant to be encouraged through the club, they do not need any more encouragement in hedonism , there is more than enough of that influence readily available!

I trust the application will be rejected

Regards

Kate Halsall

From: Paul Hughes
Sent: Wednesday 25 July 2012 08:48
To: Kate Halsall
Subject: Fw: Farnham Rugby Club - Licensing Act 2003 - Application



Dear Gillian

I've just been reviewing the information that Cliff Watts has forwarded about the Rugby Club licence.

I am fully supportive of the rugby club's new venue and am looking forward to it's opening in the next few months. I am also supportive of the David Lloyd facility – although I suspect I'll never join.

I do have some concerns about the length of the requested opening hours – in particular being open every night till at least 00:30. As this is a rugby club – and I fully anticipate plenty of social drinking (and see them needing the income stream), however due to the length of hours they are requesting – every night of the week, I have concerns that this is becoming a pub or club, rather than just a rugby club.

Regards

Kate Halsall

Kate Halsall

From: Paul Hughes
Sent: Monday 30 July 2012 09:26
To: Kate Halsall
Subject: FW: Licensing Act 2003 - Application

7

We are responding to the information given below:

The application from Farnham Rugby Club for a new premises licence – as set out in the email below – is that of a night club rather than a place to pursue a healthy sporting activity.

We have already been subjected to the unexpected continuous roar of machinery from the new David Lloyd Sports Centre and have expressed grave concerns about the intrusive lighting, car park lights and extra street lights which are already in place as a result of the building of both this centre and the Farnham Rugby Club venue.

Whilst we understand that there will be some extra noise as a result of rugby being played (hopefully mostly in daylight hours), we had not anticipated extra noise stretching way into the evening and beyond into night time emanating from other social activities.

The prospect of music, dancing, singing and exuberant chatter (especially if it is to be carried on outside) does not seem commensurate with the original planning application for a place to play rugby.

We object most strongly to allowing this extra noise to take place within clear earshot of residential streets every day well into the night and disturbing sleep.

Kate Halsall

From: Paul Hughes
Sent: Tuesday 31 July 2012 09:34
To: Kate Halsall
Subject: FW: Rugby alcohol licence

8

Subject: Rugby alcohol licence

Dear Mrs. Beel,

I see that the Monkton Lane Rugby Club are applying for an alcohol licence from mid-morning until after midnight for almost every day in the year both for consumption on site and for off sales.

I think alcohol sales should be restricted to 3 pm until 11 pm and only for consumption on site.
(i.e. for on-site celebrations after major adult matches.)

Thank you,

Kate Halsall

From: Paul Hughes
Sent: Wednesday 01 August 2012 12:58
To: Kate Halsall
Subject: FW: Licensing Act 2003 - Application
Attachments: Farnham Rugby Club Licence Application.jpg

9

I object most strongly to this application. I am a local resident (Field End) and this will effect my quality of life along with all those who live in Hurlands Close, Penfold Croft, Green Lane etc. There is already a traffic problem getting onto the Shepherd and Flock roundabout (local council's answer to this was to put in cycle lanes!!) - sometimes queues up to Water Lane! All the local residents objected to the David Lloyd sports centre being built and our local council turned it down. Then the Conservative government over turned the decision!!! I guess they don't live around this area and have to suffer! We now have the prospect of our night sky lit up from the Rugby Club floodlights and the noise pollution from spectators shouting to enjoy in our evenings.

This application now delivers a further blow and threat of even more traffic in an already congested area with drunken and noisy behaviour every evening sometimes going onto the morning hours. Not to mention live music being played outdoors til beyond midnight?? How are local residents supposed to sleep with the noise and lights when we have jobs we have to get up early for? How are we supposed to be able to drive around with traffic jams blocking us? How safe I am going to feel when I go out walking and jogging as a woman past potentially drunk men leaving the club or smoking outside the club?

I suspect all my neighbours feel the same way but do not know about this application. What is the BLCA doing to notify the local residents?

Regards,

Kate Halsall

From: Paul Hughes
Sent: Wednesday 01 August 2012 13:01
To: Kate Halsall
Subject: FW: Rugby Club Licence application.

10

With reference to the above application, please pass on my comments to whoever is needed.

To me, this application seems more in line with that for an in-town night club, certainly not an out of town rugby club. Also exactly what is 'anything similar'. Why is events / alcohol sales coverage needed for most of the day, every day. We should not have to put up with this. This needs to be slimmed down considerably, and is effectively a blank cheque and should be refused in its current state. This is still countryside just about! Not a town centre.

Rant over, but this application is totally Over the top!

BRgds

(11)

Surrey

WAVERLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
DATE:	03 AUG 2012
DATE ACK:	30 th July 2012.
PASS TO FOR ATTN:	
ACK. CODE:	
FILE No:	

FAO Kate Halsall,
 Licensing Administrator,
 Waverley Borough Council
 The Burys
 Godalming, Surrey GU7 1HR

Dear Kate,

Re: Licensing Act 2003. The Application for a Premises License Farnham RUFC Ltd, Wilkinson Way, off Monkton Lane, Farnham, Surrey.

Would you please bring this letter to the notice of the Licensing Committee .

Whilst I am not opposed to the granting of a License to the Farnham Rugby Union Club for their new premises in Monkton Lane, I do think you should consider the fact that this club places great emphasis on the youth aspect of their operations, as evidenced by their publicity over the period of time they have sought to seek improved premises, is the mix of very young people, engaged in sport, and the permanent presence of alcohol on the same premises something we wish to see.

I would pose these questions as to whether the following factors are best served by;

- a Premises license, as applied for, as opposed to a Club Members only License, is in the best interests of young people and the local residential area. Taking into consideration that we have a greater number of schools in the immediate vicinity of this establishment than anywhere else in Farnham, catering for children aged 3 years to 18 years of age. 3 Nursery; 1 Pre School; 2 Infants; 1 Primary; 2 Secondary through to Sixth Form Students numbering hundreds of students ?
- the presence of young children, albeit members and/or siblings, on the premises during the time such License is operational. Is this commensurate with the current National publicity programme aimed at educating and thereby deterring young people from over- indulgence e.g. binge drinking ?

Some of the comments, reported in the local Press, emanating from residents living near the previous location of this club would indicate that there were, at times, difficulties with unacceptable behaviour associated with the Clubs activities. Whilst I would accept that such behaviour is not always the responsibility of the Club, the fact that it is associated with their activities cannot be ignored and it would be in order to enquire of the Club, **what special safeguards have been introduced:**

- to ensure that access to the Licensed premises are in place to prevent young members from entering those areas unaccompanied, bearing in mind that there is reputed to be in excess of 800 young members of this Rugby Club below the age of 18 who will access the site and the facilities .
- to ensure that accompanied young people (under-aged) are prevented from having access to alcohol. ?
- Has the Club Management Committee subscribed to and undertaken to support the National Campaign to educate young people in consumption of alcohol ?

- Off Sales, there is already a number of such establishments in the area, most notably Sainsbury's Superstore, less than 2 minutes walk from the Rugby Club, where 'Off Sales' are readily available most hours of the day, do we really need another outlet ?
- A full Premises License would indicate that any person over the age of 18 will be able to avail themselves of these facilities, what control will the Club have over admissions. e.g. will there be Security Staff to vet customers in order to establish their age ?
- What attendance figure has been established/imposed as a maximum for the Club in relation to events being undertaken which will involve access to alcohol, in particular those 6 outdoor events per annum applied for ?
- What measures will the Club have in place to ensure that the incidence of crime, usually associated with the storage of alcohol, e.g.. Breaking and entering, in order that the costs of Policing our area is not increased.
- I understand that the David Lloyd Leisure Centre is also Licensed, meaning that we will have the 2 largest membership Private clubs in Farnham on the same site, serving alcohol at similar times on a daily basis, not to mention the 12 Temporary Events per annum which each Licensee will be able to introduce.

The Farnham Rugby Union Club will be, by far, the largest membership sports club geared to recruiting young people in Farnham and is sited within two of the smallest and most populated villages in Farnham with a large Youth population, David Lloyd is the largest membership Leisure Club in Farnham, unless the potential for problems are sufficiently overseen and controlled, they could seriously affect the quality of life of the residents of those communities.

The probability of holding events e.g. Wedding Receptions, Birthday and Celebratory Parties; Conferences and like events are all envisaged for this site.

The residents of the villages of Badshot Lea and Weybourne, adjoining the Club site have, in the main, welcomed and fully supported the Rugby Club relocation to this area. I would hate to see that support tarnished by 'boorish' behaviour on the part of the few simply because alcohol is increasingly available in the area.

I respectfully request that Waverley Borough Council consider the Licensing of this club on a Members only basis as opposed to a Full Premises License and that adequate measures such as daily time limits less than those proposed are introduced to reduce the potential for disruption to the residents of our 2 villages.

Kate Halsall

From:

Sent:

To:

Cc:

Subject:

12

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISE LICENCE - FARNHAM
RUGBY UNION FOOTBALL CLUB

Paul Hughes,
Licensing Manager,
Waverley Borough Council. (email paul.hughes@waverley.gov.uk)

The recent proposed amendments to this application show a little more consideration for the residents of the ward of which I am a councillor. I still have serious concerns with this application:

I strongly object to and I am unable to understand the need for the proposed opening hours i.e. 9.00am - 00.30am seven days a week and then extended at weekends. This facility was designed to blend into the open countryside, A licence with the proposed hours, will intrude into the previously quiet environment and the peaceful atmosphere of the area. It will cause additional traffic during the quiet periods and be disruptive to residents and wildlife in the area.

With respect to public nuisance, we already have residents in the area complaining about noise levels from the adjacent complex. The deliberate disregard of tree and shrub planting around the perimeter of this site, a requirement of the planning application, will further compound this matter. I appreciate that this is not a Licensing matter but I ask members of the Sub-Committee to be aware of it. If permitted, the Licensing Objective 'The prevention of Public Nuisance' will raise many concerns in the two villages and, I wonder, whether such conditions would be treated with the same disregard as the Planning conditions. I believe that WBC should place restrictions on activities until such planting has been carried out and given the opportunity to mature.

The Rugby Club boasts of the many hundreds of young members it attracts. How is the Rugby Club intending to shield these young people from the influence of the drinking culture this licence will permit? The Protection of Children from Harm is one of my main areas of concern.

The possibility of events with up to 2,000 people present fills me with horror. This club is situated in a lane between Weybourne and Badshot Lea. Immediately opposite the site are two dwellings. It is totally inappropriate even to consider such large numbers in this location. Whilst I wish the Rugby Club well, may I suggest that when planning permission was given by Waverley, it was for a Rugby Club. My residents never envisaged a venue for up to two

thousand people, outdoors. The noise and nuisance value of this is beyond comprehension and would be heard in most dwellings in the two villages.

The noise and disturbance of, say, one thousand five hundred cars would be immense. May I ask that a plan showing the location of over one thousand car parking spaces is produced before such an application is considered? Neither of the villages can cope with these high numbers and should drivers decide to park in residential areas, Public Nuisance, Public Safety and possibly Crime and Disorder would become immediate problems.

In conclusion, I welcome some of the agreements reached between the Police and the applicant. However, I am also aware that whilst these agreements will be considered, it is for the Licensing Sub Committee to make the decision after considering all aspects of the application.

Kate Halsall

From: Paul Hughes
Sent: Monday 06 August 2012 14:48
To: Kate Halsall
Subject: (13) FW: Farnham Rugby Club - license application

I would like to pass my comments on the proposed application for a license application at Farnham Rugby Club.

Is this meant to be a Rugby Club or a late night drinking den ??

From what I understand this seems a little excessive in terms of the times this establishment is asking to sell alcohol especially the off sales – is this really necessary ?

This will have the effect of attracting a large number of undesirable types who will just use this as an excuse to continue drinking until the early hours before going on to disturb the local community.

Not a good idea for Farnham.

Kate Halsall

From: Paul Hughes
Sent: Tuesday 07 August 2012 16:05
To: Kate Halsall
Subject: (14) FW: Farnham Rugby Club Licence Application

I have just been made aware of the current licence application by Farnham Rugby Club and to say the least I am shocked to see the extent of this! My first reaction is that they are applying for a night club licence. In addition the Off Sales of alcohol to any member of the public seems likely to further encourage underage drinking which is already a serious problem in Farnham. It seems strange to me that a minor Rugby Club should see it necessary to move away from their roots to enter the non-sporting entertainment business

Regards ~~XXXXXXXXXX~~

15

Town Clerk

To: licensing@waverley.gov.uk
Subject: Farnham Rugby Club Licensing application

I have been asked by Farnham's Strategy and Finance Working Group to make the following representation on the application for the Farnham Rugby Club's new premises licence.

Town Councillors are concerned about the nature of the license feeling that it would be more appropriate for this to be a club licence rather than a standard commercial licence. It is believed there are already seven licensed premises in the area there is concern about the impact on the residential amenity and the local environment if this application is approved as requested.

The licensing objectives encourage prevention of nuisance between 10pm and 7am but the application refers to doors being closed after 11pm. The applicant has requested six events per year on each of the sections A B E F G H I K L M. This should be a limit for the total number of outdoor events per year (6) not per section.

The provision of adult entertainment (Section N) is not supported by the Council

The late night refreshment hours (for 90 minutes after the sale of alcohol will stop) is likely to increase the disturbance

I attach a completed representation form on behalf of the Town Council.

Iain Lynch
Iain Lynch
Farnham Town Clerk

Farnham Town Council
Council Offices
South Street
Farnham
GU9 7 RN

Telephone: 01252 712667

Please note calls may be recorded for training or monitoring purposes.

15



LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence, Club Premises Certificate, or an application for a variation of either, please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note that Waverley Borough Council is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

Personal Details	
Name.....	FARNHAM TOWN COUNCIL
Address	SOUTH STREET
.....	FARNHAM
Postcode.....	GU9 7RN
Telephone Number	01252 712667
Email address	town.clerk@farnham.gov.uk

Licence application you wish to make a representation on	
<i>You do not need to answer all of the questions in this section, but please give as much information as you can:</i>	
Application Reference Number (if known)	
Name of Premises (if applicable).....	FARNHAM RUGBY CLUB
Premises Address (where the Licence will take effect).....	WILKINSON WAY, MONKTON LAKE, FARNHAM
Postcode.....	GU9 9AD

Reason/s for representation

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

The Prevention of Crime and Disorder:

The licence should be a club licence, not another competing premises with the large number already in the area.

Public Safety: The proposed nature of the licence and hours will impact on the character of the area and residential amenity.

The Prevention of Public Nuisance:

The proposed hours and off-sales are excessive. The off-sales provision is not appropriate for this type of venue. The Council is concerned about the number of outdoor events proposed, and their impact on neighbours.

The Protection of Children from Harm:

The Council does not support the proposal for adult entertainment

DECLARATION

Please note that it is an offence to knowingly or recklessly make a false statement in connection with an application and, on summary conviction for the offence, a person is liable to a fine not exceeding level five on the standard scale (currently £5,000).

I, IAIN LYNETT, hereby declare that all information I have submitted is true and correct.

Signed:

IAIN LYNETT on behalf of FAMHAM TOWN COUNCIL

Date:

7/8/2012

Please send completed form to:
**The Licensing Team
Waverley Borough Council
The Burys
Godalming
GU7 1HR**

We think the licensing for alcohol and dancing till late at Farnham Rugby Clubs new premises is a good idea and we support them in this .
There are not enough venues for young people to have good fun safely .

Yours Sincerely,

HEARINGS

- 9.27 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.

- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

10. Conditions attached to premises licences and club premises certificates

GENERAL

- 10.1 This chapter provides advice and recommendations concerning best practice in relation to conditions attached to premises licences and club premises certificates.
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question.
- 10.3 All interests – licensing authorities; licence and certificate holders; authorised persons; the police; other responsible authorities; and local residents and businesses – should be working together in partnership to ensure collectively that the licensing objectives are promoted.
- 10.4 The courts have made it clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.
- 10.5 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

PROPOSED CONDITIONS

- 10.6 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.7 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. Proper liaison may avoid the need for representations.
- 10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.
- 10.9 It is also not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE

- 10.10 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.11 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

IMPOSED CONDITIONS

- 10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.13 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.
- 10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

Duplication with other statutory provisions

- 10.16 If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties as conditions.
- 10.17 So, licensing authorities should not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005 (see Chapter 2).
- 10.18 The 2003 Act does not affect the continued use of inspection and enforcement powers conferred by other legislation; for example, the powers of an environmental health officer in relation to statutory nuisance under the Environmental Protection Act 1990.
- 10.19 However, these general duties will not always adequately address specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that conditions will need to be attached to a licence.

Hours of trading

- 10.20 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.21 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.22 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Workers rights

- 10.23 It is not for the licensing authority to consider such matters as the rights of the workers employed on the premises who may be asked to work longer hours. There are existing protections under employment law and laws of contract.

PEOPLE WITH DISABILITIES

10.24 It is important that appropriate steps are taken to ensure legislative requirements in respect of health and safety are fully met, including in respect of all disabled people (including staff and performers). However, licensing authorities and other responsible authorities should avoid imposing inappropriate conditions which may actively deter operators from admitting or employing disabled people.

10.25 It is a legal requirement that facilities for disabled people at large (including staff and performers) should be provided at places of entertainment. Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person⁵. This applies in regard to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition should therefore be attached to a licence or certificate which conflicts with or duplicates this requirement. Service providers also have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means. Access to buildings and their facilities is also a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.

10.26 The reasonable adjustments duty becomes applicable, if reasonable in all the circumstances of a particular case, where:

- a **“provision, criterion or practice” of the person on whom the duty falls, places a disabled person at a substantial disadvantage**. An example of a reasonable adjustment might be a restaurant with a no-dogs policy ‘waiving’ it in respect of a disabled person’s assistance dog. For example, a guide or hearing dog. Any condition of a licence or certificate which states that “pets” may not be present on licensed premises for public safety reasons must include a clear indication that the condition does not apply to guide or assistance dogs. Further advice can be obtained from the Equality and Human Rights Commission (EHRC) website at www.equalityhumanrights.com.
- a **physical feature puts a disabled person at a substantial disadvantage compared with a non-disabled person**.
- **It is appropriate to provide an auxiliary aid to help the disabled person overcome a substantial disadvantage compared to a non-disabled person**. For example, installing a hearing induction loop at the counter in an off-licence to assist a disabled person with a hearing impairment.

⁵ The accepted meaning of the term ‘substantial disadvantage’, for the purposes of the Equality Act 2010, is a disadvantage that is more than ‘minor or trivial’.

10.27 Licensing authorities may wish to offer advice to applicants for licences and certificates about how to achieve this, such as reminding them that they cannot wait until a disabled person wants to use their services but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need; the duty to make reasonable adjustments is an 'anticipatory' duty for service providers.

10.28 The Equality Act 2010 by use of the word 'reasonable' recognises the need to strike a balance between the rights of disabled people and the interests of service providers.

10.29 The Equality Act 2010 does not apply to provision of services.

EQUALITY ISSUES

10.30 Licensing authorities need to be aware that the Equality Act 2010 lists a number of protected characteristics which must not be used as a reason to treat a person less favourably than another person (age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race (this includes colour; nationality; ethnic and national origins), religion or belief, sex, and sexual orientation). Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory. The Equality Act 2010 also includes the public sector Equality Duty which requires public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations, between people with different protected characteristics.

10.31 Note that discrimination may be direct or indirect.

THE PERFORMANCE OF PLAYS

10.32 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

CENSORSHIP

10.33 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

COPYRIGHT AND ROYALTIES

10.34 Copyright law is intended to safeguard the livelihood of authors, composers, arrangers, playwrights, film-makers, publishers and makers of recordings and is extremely important. Offences relating to copyright are made "relevant offences" by the 2003 Act. Conditions attached to premises licences should not require adherence to requirements in the general law that the use of copyright material must be authorised. Licensing authorities may, however, remind applicants of the need to obtain Performing Right Society (PRS) licences and Phonographic Performance Ltd (PPL) licences and to observe other copyright arrangements.

MAJOR ART AND POP FESTIVALS, CARNIVALS, FAIRS AND CIRCUSES

10.35 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

10.36 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.

10.37 In the case of circuses and fairgrounds, much will depend on the content of any entertainment presented. For example, at fairgrounds, a good deal of the musical entertainment may be incidental to the main attractions and rides at the fair that are not themselves regulated entertainment.

10.38 In addition, in the context of festivals and carnivals, local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

FIXED PRICES

10.39 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act

prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives.

10.40 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)

10.41 Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.

10.42 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

10.43 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated Premises Supervisor

10.44 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no

designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

10.45 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.46 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

10.47 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.48 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.49 "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.50 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.51 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.52 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.53 It must be remembered that whilst the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

10.54 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification and small measures) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a Designated Premises Supervisor and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.

10.55 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex A of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.

10.56 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

10.57 Under this condition, the "responsible person" (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have taken all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.

Drinking games

10.58 Irresponsible promotions can include activities, whether drinking games or not, which may require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise. For example, this may include organised 'drink downing' competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit 'happy hours' as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

10.59 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or "all you can drink for £10". This condition does not apply to a promotion or discount on alcohol for consumption with a table meal. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of

alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

10.60 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, "Buy one and get two free" and "Buy one cocktail and get a second cocktail for 25p". This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Sporting Events

10.61 Irresponsible promotions can include the provision of alcohol for free or for a discounted price in relation to a sporting event shown on the premises, where the sale, supply or provision of alcohol depends on the outcome of a race, match or other event. For example, this may include offering unlimited drinks based on the outcome of a sporting competition. It also applies to events which are unpredictable, such as offering free double shots for every foul committed in a football match, or heavily reduced drinks for five minutes after a try is scored in a rugby match.

Posters and Flyers

10.62 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

10.63 The responsible person (see paragraph 10.57) must ensure that no alcohol is dispensed directly by one person into the mouth of another person. For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free tap water

10.64 The responsible person (see paragraph 10.57) must ensure that free portable tap water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply.

Age verification

- 10.65 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.57) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark.
- 10.66 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.67 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.
- 10.68 The premises licence holder or club premises certificate holder must ensure that staff (in particular staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy applied by the premises.

Smaller Measures

- 10.69 The responsible person (see paragraph 10.57) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: 1/2 pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.70 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures – for example, by making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent, conspicuous place in the relevant premises (for example, at the bar).
- 10.71 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.72 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Exhibition of films

- 10.73 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification – BBFC) or by the licensing authority itself.
- 10.74 The BBFC classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.
- 10.75 The effect of paragraph 5 of Schedule 1 to the Act is to exempt adverts from the definition of regulated entertainment, but not to exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film' it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.76 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.77 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain

employees benefit from an exemption when carrying out conduct in connection with a certified sports grounds (section 4(6 to 12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).

10.78 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

10.79 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:

- premises staging plays or exhibiting films;
- casinos or bingo halls licensed under the Gambling Act 2005;
- premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

10.80 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.

10.81 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public) no mandatory condition should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act).