

**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 that 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 Shottermill Club Limited

*(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 Shottermill Club Ltd 2 Liphook Road			
Post town	Haslemere	Post code	GU27 1NL

Telephone number at premises (if any)	01428 642262
Non-domestic rateable value of premises	£11750

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| 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 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                            | <input checked="" type="checkbox"/> | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

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

Name Shottermill Club Limited
Address 2 Liphook Road Haslemere Surrey GU27 1NL
Registered number (where applicable) IP28393R
Description of applicant (for example, partnership, company, unincorporated association etc.) Private members social club
Telephone number (if any) 01428 642262
E-mail address (optional) shottermillclub@tiscali.co.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	1	1	0	2	0	1	3

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)  
 Purpose built social club situated at 2 Liphook Road Shottermill Haslemere but with front entrance onto Weyhill B2131 with car park area off B2131. Building comprises entrance hall with corridor to male and female toilets, corridor leading to function room on left with bar and separate office off. To right at end of corridor is the main club bar with separate snooker room off and area to rear where pool table is.

If 5,000 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 Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

**Supply of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Live band performances with amplified music		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri	1900	0100			
Sat	1900	0100			
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Jukebox and discos		
Mon	1100	2300			
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Tue	1100	2300			
			<b>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</b> (please read guidance note 5)		
Wed	1100	2300			
Thur	1100	2300			
Fri	1100	0100			
Sat	1100	0100			
Sun	1100	2300			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Cabaret evenings, dance displays		
Mon					
Tue					
<b>Wed</b>			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
<b>Fri</b>	1900	0100	<b>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</b> (please read guidance note 5)		
<b>Sat</b>	1400	0100			
<b>Sun</b>	1400	2200			

**H**

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b> Comedy nights, karaoke evenings and similar entertainment</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed	1900	2300	<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Thur	1900	2300			
Fri	1900	0100	<p><b><u>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</u></b> (please read guidance note 5)</p>		
Sat	1900	0100			
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	1100	2300			
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	0000			
Fri	1100	0100			
Sat	1000	0100			
Sun	1100	2300			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

<b>Name</b> Mrs Christian Moire Harris	
<b>Address</b> 28 Oaklands Tanners Lane Haslemere Surrey	
<b>Postcode</b>	GU27 3RD
<b>Personal Licence number (if known)</b> LN/000004438	
<b>Issuing licensing authority (if known)</b> Waverley Borough Council	



**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)**

Possibly very occasionally adult-type entertainment for stag or hen nights and adult only comedians. The occasions would be well advertised as not suitable for children and they would be excluded from the premises.

Fruit machines and lottery machines

2 wall mounted club lottery machines, one in function room one in main bar area. One freestanding lottery machine and one gaming machine both adjacent to bar in main club area.

**O**

<b>Hours premises are open to the public Standard days and timings (please read guidance note 6)</b>			<b>State any seasonal variations (please read guidance note 4)</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	1100	2330	<b>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)</b>
Tue	1100	2330	
Wed	1100	2330	
Thur	1100	0030	
Fri	1100	0130	
Sat	1100	0130	
Sun	1100	2330	

**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)**

The Club 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. There shall be sufficient cameras sited to cover the external car park and smoking area.

All cameras shall continually record whilst the premises are open to the public and video recording 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. Club management will be trained to use the system and download the images. The recording system with the mains supply will be locked in a cupboard within the secure management office.

Staff engaged in the sale of alcohol shall be trained in the law relating to the sale/supply of alcohol and written records will be maintained and then kept for inspection for a minimum period of 12 months. The training 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.

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

**b) The prevention of crime and disorder**

The club shall 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.

The Club constitution includes rules governing the conduct of members and their guests within and adjacent to the club premises. Admission to the club shall be confined to members and their guests and shall be controlled by a door card entry system except on those occasions when events are open to members of the public. Guests shall only be admitted after being signed in by a member who shall then be responsible for them. Misconduct shall be recorded in an incident log and reported to the committee who shall consider action under the club's disciplinary code. The club shall be a member of Pubwatch.

No persons on current pubwatch list will be permitted entry. SIA registered door staff will be employed at the premises from 2000 on the occasion of events open to the public and/or where a high proportion of young adults are anticipated. Door staff will be retained on duty until the end of permitted hours and any such later time as may be necessary to monitor the safe dispersal of customers away from the area of the venue.

The premises shall only be used by club members and their guests, except when it is hired out for private functions or Club functions open to the general public. Private functions shall be booked in advance and shall be booked under a written hire agreement. A register of all members shall be kept at the premises.

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 incidents of disorder
- d. Seizures of drugs or offensive weapons.
- e. Any faults in the CCTV system
- f. Any refusal of the sale of alcohol
- g. Any visit by a relevant authority or emergency service.

**c) Public safety**

The Club shall comply with health and safety and fire precaution regulations. Following risk assessments, preventative and control measures shall be in place to ensure the safety of members, guests, employees and entertainers while on the premises. The club shall comply with advised capacity limits. Fire action notices shall be posted and emergency escape routes shall be well signposted.

**d) The prevention of public nuisance**

Prominent, clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. All external doors and windows will be kept closed during regular entertainment and in any case after 2300 except for access to and egress from the premises. The outside areas where it is permitted to consume alcohol are outlined in green on the attached plan. Outside areas will not be used for the consumption of alcohol after 2200 and no glasses or bottles will be allowed to be taken outside after 2200.

**e) The protection of children from harm**

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. Persons under the age of 18 are only allowed in under the strict supervision of an appropriate adult and only when the entertainment provided is suitable for children. Signs shall be displayed at all bars prohibiting the sale of alcohol by or for under 18's. Staff and committee members shall be instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children. Customers are reminded that when children are present inappropriate language and behaviour will result in them being asked to leave the premises.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the 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

**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	
Date	16/08/2013
Capacity	Chairperson Management Committee of Shottermill Club Ltd

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b>			
Mrs C M Harris Shottermill Club Ltd 2 Liphook Road			
<b>Post town</b>	Haslemere	<b>Post code</b>	GU27 1NL
<b>Telephone number (if any)</b>	01428 642262		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> shottermillclub@tiscali.co.uk			

#### 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.



Licensing Act 2003  
Club Certificate - Summary

<b>Shottermill Club Ltd</b> 2 Liphook Road Haslemere Surrey GU27 1NL	Licence number:	LN/000000165	
	Valid from:	24th November 2005	
	Valid until:		
	Telephone:	01428 642262	
<b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>			
Activity (and area if applicable)	Description	Time From:	Time To:
<b>Provision of regulated entertainment:-</b>			
Plays	Saturday	19:00	23:00
Indoor Sports Event	Tuesday & Thursday	19:00	23:45
Live Music	Saturday	19:00	02:00
Recorded Music	Friday	19:00	00:00
Performance of dance	Saturday	19:00	02:00
Regulated - anything similar	Saturday	19:00	00:30
Facilities for dancing	Tuesday Friday & Saturday	19:00 19:00	23:00 02:00
Facilities - anything similar	Sunday	12:00	23:00
Supply of Alcohol	Monday - Wednesday Thursday Friday & Saturday Sunday	11:00 11:00 11:00 11:00	23:45 00:00 02:00 23:30
Non-standard Timings:	For transmission of large sporting events, i.e. World Cup football/rugby/cricket matches/boxing, etc. supply of alcohol 1 hour prior to and 1 hour after the game/match.		

The opening hours of the premises: -

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:

On and off the premises

**Name & (registered) address of holder of premises licence:**

Shottermill Club Ltd  
2 Liphook Road  
Haslemere  
Surrey  
GU27 1NL

**Registered number of holder, for example company number, charity number (where applicable):**

N/A

**Whether access to the premises by children is restricted or prohibited:**

No restrictions



Licensing Act 2003  
Club Certificate - Detail

<b>Shottermill Club Ltd</b> 2 Liphook Road Haslemere Surrey GU27 1NL	Licence number:	LN/000000165
	Valid from:	24th November 2005
	Valid until:	
	Telephone:	01428 642262

Licensable Activities Authorised by the Licence and times these activities may be carried on

Activity (and area if applicable)	Description	Time From:	Time To:
<b>Provision of regulated entertainment:-</b>			
Plays	Saturday	19:00	23:00
Indoor Sports Event	Tuesday & Thursday	19:00	23:45
Live Music	Saturday	19:00	02:00
Recorded Music	Friday	19:00	00:00
Performance of dance	Saturday	19:00	02:00
Regulated - anything similar	Saturday	19:00	00:30
Facilities for dancing	Tuesday	19:00	23:00
	Friday & Saturday	19:00	02:00
Facilities - anything similar	Sunday	12:00	23:00
<b>Supply of Alcohol</b>	Monday - Wednesday	11:00	23:45
	Thursday	11:00	00:00
	Friday & Saturday	11:00	02:00
	Sunday	11:00	23:30
<b>Non-standard Timings:</b>	For transmission of large sporting events, i.e. World Cup football/rugby/cricket matches/boxing, etc. supply of alcohol 1 hour prior to and 1 hour after the game/match.		

The opening hours of the premises: -

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:

On and off the premises

<b>Name &amp; (registered) address of holder of premises licence:</b>	Shottermill Club Ltd 2 Liphook Road Haslemere Surrey GU27 1NL
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<b>Registered number of holder, for example company number, charity number (where applicable):</b>	N/A
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<b>Whether access to the premises by children is restricted or prohibited:</b>	No restrictions
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## **Annexe 1 – Mandatory Conditions**

### **Alcohol – Club**

A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises. A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

- The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
- The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

## **Annexe 2 – Conditions consistent with the operating schedule**

<b>Plays</b>	<b>Saturday</b>	19:00 hours to 23:00 hours
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### Further Detail

Very occasionally, possibly children's pantomime at Christmas.

### Non-Standard Timing

N/A

Location of activity : Indoors

<b>Indoor Sports Event</b>	<b>Tuesday</b>	19:00 hours to 23:45 hours
	<b>Thursday</b>	19:00 hours to 23:45 hours



### Further Detail

Tuesdays - Ladies darts matches.

Thursday - Snooker matches.

### Non-Standard Timing

Possible presentation evenings and occasional charity matches.

Location of activity : Indoors

**Live Music**                      **Saturday**                      19:00 hours to 02:00 hours

### Further Detail

Outside on occasional events - outdoors for family fun day in the summer.

### Non-Standard Timing

Annual family fun day on one Sunday in summer 1400-800.

Location of activity : Indoors

**Recorded Music**                      **Friday**                      19:00 hours to 00:00 hours  
**Saturday**                      19:00 hours to 02:00 hours

### Further Detail

Juke box, disco - up to six times per year.

### Non-Standard Timing

A disco is held for children on a Sunday around Easter and Christmas.

Occasional children's disco on a Sunday afternoon/early evening 1400-1900.

Location of activity : Indoors

**Performance of dance**                      **Friday**                      19:00 hours to 00:00 hours  
**Saturday**                      19:00 hours to 02:00 hours

### Further Detail

Cabaret evening.

Very occasional.

### Non-Standard Timing

Family fun day - annual Sunday event 1400-1800.

Location of activity : Indoors

**Regulated - anything similar**      **Saturday**      19:00 hours to 00:30 hours

Further Detail

Karaoke.  
Not more than 6 times per year with a disco.

Non-Standard Timing

N/A

Location of activity : Indoors

**Facilities for dancing**      **Tuesday**      19:00 hours to 23:00 hours  
   **Friday**      19:00 hours to 02:00 hours  
   **Saturday**      19:00 hours to 02:00 hours

Further Detail

Salsa classes.

Non-Standard Timing

Christmas Eve, Boxing Day, New Year's Day or other Bank Holidays.

Location of activity : Indoors

**Facilities - anything similar**      **Sunday**      12:00 hours to 23:00 hours

Further Detail

Family fun day.  
Bands and children's entertainment.  
Once a year on a Sunday, to include live music, children's entertainment, bouncy castle, BBQ - moving music/bands inside at 1800.  
Outdoor music limited to 1200-1800.

Non-Standard Timing

N/A

Location of activity : Indoors and outdoors

<b>Alcohol Supply</b>	<b>Monday</b>	11:00 hours to 23:45 hours
	<b>Tuesday</b>	11:00 hours to 23:45 hours
	<b>Wednesday</b>	11:00 hours to 23:45 hours
	<b>Thursday</b>	11:00 hours to 00:00 hours
	<b>Friday</b>	11:00 hours to 02:00 hours
	<b>Saturday</b>	11:00 hours to 02:00 hours
	<b>Sunday</b>	11:00 hours to 23:30 hours

#### Further Detail

Occasional off sales to members and their guests.  
 Christmas Eve and New Year's Eve when they do not fall on a Friday or Saturday.  
 Also club Christmas Draw Night and possible Bank Holidays - no extra hours applied for.

#### Non-Standard Timing

For transmission of large sporting events, i.e. World Cup football/rugby/cricket matches/boxing, etc. supply of alcohol 1 hour prior to and 1 hour after the game/match.

Supply of alcohol to be for consumption : On and off the premises

**Any adult entertainment or services, activities, other entertainments or matters ancillary to the use of premises that may give rise to concern in respect of children.**

Possibly very occasional adult-type entertainment and on these occasions it would be well advertised as not suitable for children and they would be excluded from the premises on these occasions.

The club has 2 jackpot gaming machines, the use of which is restricted to persons over 18 years. Appropriate prohibition notices are displayed close to the machines. The machines are situated in sight of the main bar and surveillance of machines is exercised by the steward, bar staff and committee persons.

#### **ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:**

##### **a) General - all four licensing objectives (b,c,d,e)**

CCTV surveillance with exterior lighting shall be maintained to monitor the main entrance area inside and out, including the car park area.

Club management, steward and staff shall be kept informed of the Licensing Act 2003 objectives and statutory requirements so as to comply with all the relevant provisions of the Act.

##### **b) The prevention of crime and disorder**

The club constitution shall include rules governing the conduct of members and their guests within and adjacent to the club premises.

Admissions to the club shall be confined to members and their guests shall be controlled by a door card entry system.

Guests shall only be admitted after being signed in by a member who shall then be responsible for them.

Misconduct shall be reported to the committee who shall consider action under the club's disciplinary code.

Club employees shall be instructed not to admit or serve anyone behaving in a drunk and disorderly fashion.

The club shall be a member of Pubwatch.

### **c) Public Safety**

The club shall comply with health and safety and fire precaution regulations.

Following risk assessments, preventative and control measures shall be in place to ensure the safety of members, guests, employees and entertainers while on the premises.

The club shall comply with advised capacity limits.

Fire action notices shall be posted and emergency escape routes shall be well signposted.

### **d) The prevention of public nuisance**

Signs shall be displayed near exits requesting members and guests to respect the needs of local residents by quietly leaving the premises and car park area.

When live or recorded music is played, all reasonable steps shall be undertaken to avoid disturbance to neighbouring properties.

### **e) The protection of children from harm**

Persons under the age of 18 shall only be allowed into the club under strict supervision of an immediate family member.

Young adults who apply for membership shall satisfy the committee that they are over 18, if necessary producing suitable ID.

Signs shall be displayed at all bars prohibiting the sale of alcohol by or for under 18's.

Staff and committee members shall be instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children.

## **Embedded Restrictions : Club**

### **1. Permitted Hours**

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means those hours stated above.

a) On Christmas day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the Licensing Authority in which the premises are. The said hours shall:

i. not exceed six and a half hours;

ii. not begin earlier than noon;

iii. not end later than 2230;

iv. provide for a break of at least 2 hours, including 1500-1700;

v. not extend for more than three and a half hours after 1700;

b) On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

### **Restrictions**

The above restrictions do not prohibit:

a) the supply to, or consumption by, any person of alcohol in any premises where they are residing;

b) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

- c) the taking of the alcohol from the premises (unless the alcohol is supplied or taken in an open vessel), during the first twenty minutes after the above hours;
- d) the consumption of the alcohol on the premises by persons taking table meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- e) the consumption of the alcohol on the premises by, or, the taking sale or supply of alcohol to any person residing in the licensed premises;
- f) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- g) the sale of alcohol to a trader or club for the purposes of the trade or club;
- h) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- i) the taking of alcohol from the premises by a person residing there; or
- j) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- k) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

The licensee may also provide and permit entertainment by way of music and singing but only by the reproduction of recorded sound (this does not permit the use of karaoke, disk jockeys, comperes etc).

### **Annexe 3 – Conditions attached after a hearing by the Licensing Authority**

N/A

### **Annexe 4 – Plans**

Attached



**SHOTTERMILL CLUB LTD**

2 Liphook Road, Haslemere, Surrey. GU27 1NL

Email : [shottermillclub@tiscali.co.uk](mailto:shottermillclub@tiscali.co.uk)

Tel : 01428 642262

[www.shottermillclub.co.uk](http://www.shottermillclub.co.uk)

16<sup>th</sup> August 2013

Police Authority  
Fire Authority  
Trading Standards  
Health & Safety at Work  
Local Planning Authority  
Local Authority – Prevention of Pollution  
Protection of Children from Harm  
Public Health

*Licensing Team Waverley*

Dear Sirs,

**Application for a Premises Licence**

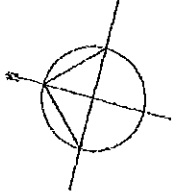
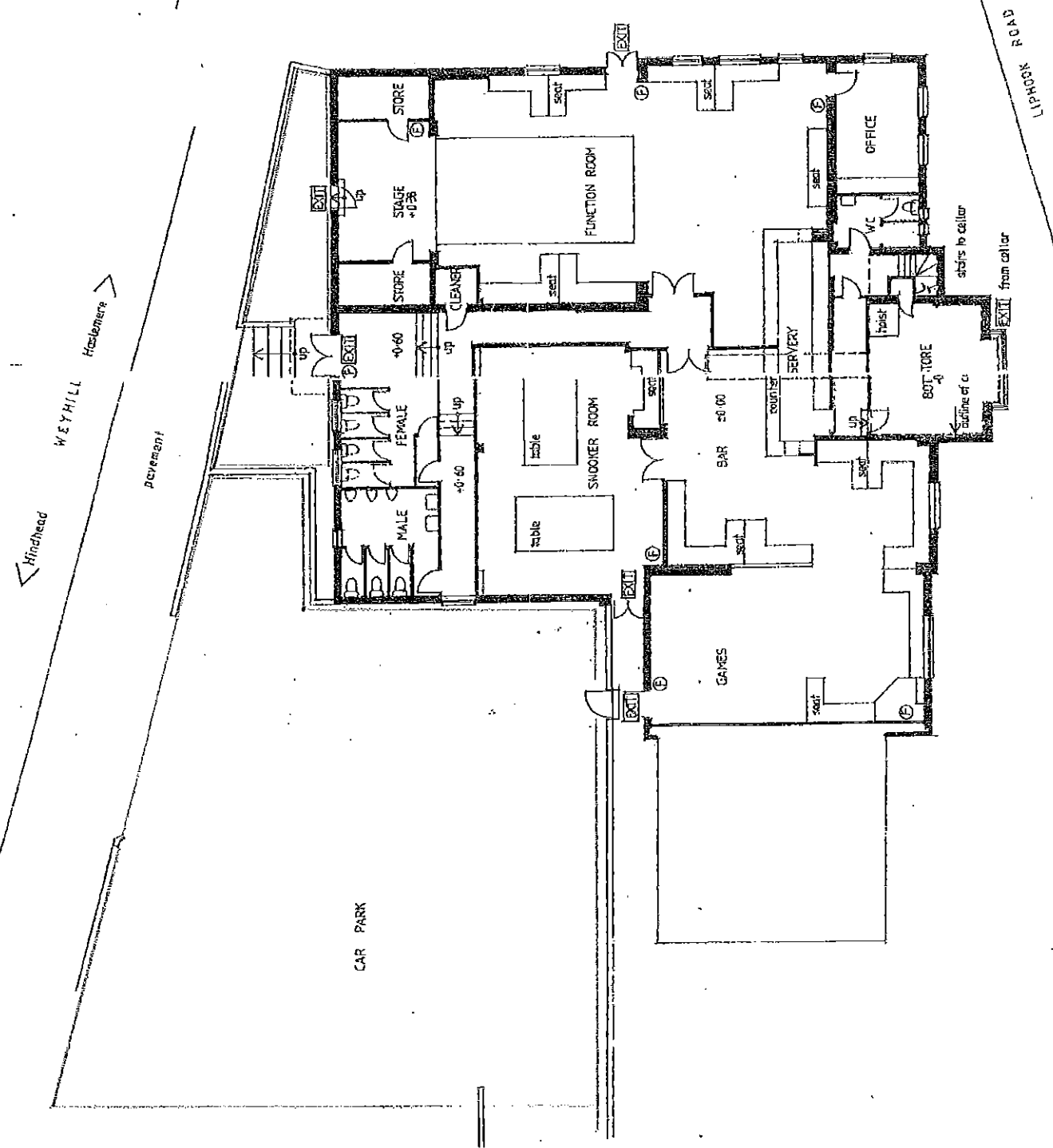
Please find attached our application for a Premises Licence for Shottermill Club Ltd.

The Club is presently licensed by Waverley Borough Council under Club Premises Licence No WAV2005PREM/0103 and it is intended that this Club Licence will be surrendered once the Premises Licence is granted.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Ollie' followed by a flourish.

For and on behalf of  
Shottermill Club Ltd



LEGEND

- Ⓛ Fire Extinguisher
- Ⓢ Heat and Smoke Detector
- EXIT Fire Exit



OUTSIDE  
SMOKING AREAS

PROJECT THE SHOTMILL CLUB LIMITED  
2 LIPHOOK ROAD  
HASLEMERE  
SURREY, GU27 1NL

DRAWING GROUND FLOOR PLAN

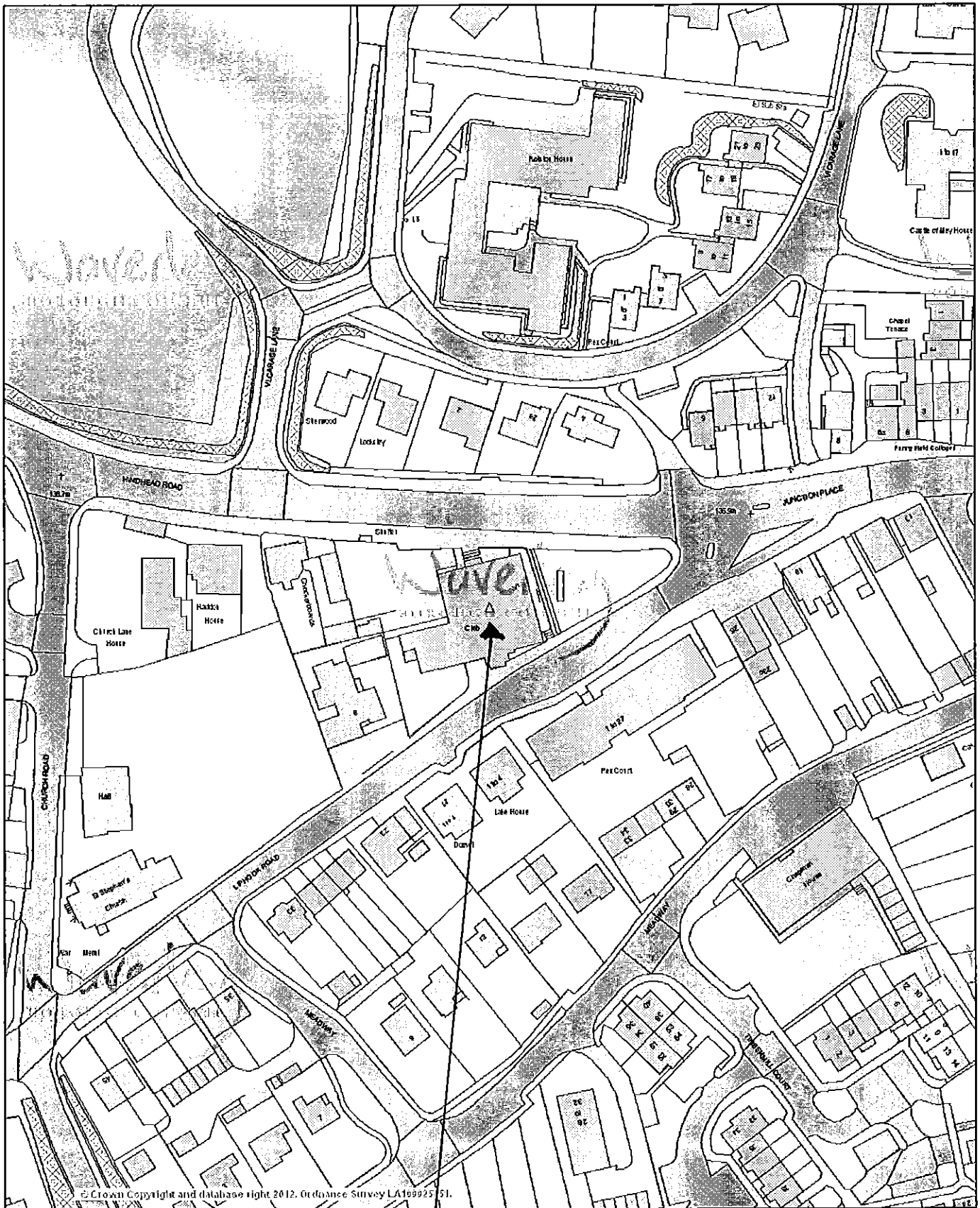
DRW NO 05/100/01

SCALE 1:100

DATE June 2005

DRAWN BY ANDY TRASK DESIGNS  
Meadow Hill Road, Haslemere, Surrey GU27 2DL  
01424 41114 3199@traskdesigns.co.uk

Wk 201304 124



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



**Shottermill Club, 2 Liphook Road, Haslemere**

Scale 1/1250 Date 16/9/2013

Centre = 488699 E 132783 N





**Kate Halsall**

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**From:** licensing@waverley.gov.uk  
**Sent:** Tuesday 10 September 2013 08:51  
**To:** Licensing Policy  
**Subject:** WK/201304124 : Representation received

①

Address: Shottermill Club Ltd, Shottermill Working Mens Club, 2 Liphook Road, Haslemere, Surrey, GU27 1NL

Please check above worksheet for representation received online

Hi, we are the direct neighbours, sharing the wall with the club. We have noticed that there was an application to change opening hours of the club. We very much support local businesses but for us this is quite worrying as there is no sound insulation in the club whatsoever. We can hear the music already now and although the owners of the club were very accommodating and helpful (i.e. have moved the music speakers farther from the shared wall) we really don't need any more of the noise. We are planning to start the family with my wife also so we are worried this may cause a bit of issue in the future. Our position on the application is as follows - we will not object to change in opening hours under condition that they fully insulate the premises. If you have any questions please do not hesitate to contact me on the above email address or telephone number. Thank you Kind Regards

**Kate Halsall**

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**From:**  
**Sent:** Thursday 12 September 2013 10:37  
**To:** (2) Licensing Policy  
**Cc:**  
**Subject:** Shottermill Working Mens Club - Premises Licenses Application

Dear Licensing Department,

Following the recent application for "premises license" at the Shottermill Working Men's Club in Haslemere we would like to outline our objections below, can you please confirm receipt of this e mail and that our objection to the application has been logged.

We are often disturbed by the excessive noise from both the individuals who are using the drinking and smoking area and also by the loud music which is audible from outside the building when there is a special event or disco being held. The extent of this noise has meant we have been unable to open our windows during the course of the summer months and relied on fans for each member of the families bedrooms and have also on occasion not been able to use our garden due to the music noise and also raised voices from the smoking area. This is unacceptable and is a breach of our right to enjoy our home and garden. The club has traditionally marketed itself as a "family" club but the introduction of the proposed license seems to be very different story with requested adult entertainment and the "Club nights" which have previously advertised themselves as opportunities to gain access to cheap drinks leveraging the lower cost price within the members club. There is no provision for transport at 1am in the morning no trains/buses/taxis and there is minimal parking available at the club to accommodate large numbers of cars so typically on a busy evening the Hindhead road becomes an overspill car park. After previous experiences of "club nights" and the excessive noise both during the event and also as they depart the venue the increase in such events is only going to increase the noise and potential for additional disturbances. We appreciate the club needs to increase their membership and income but could they not consider doing more for the local community with holding fetes or raffles rather than relying on young people and focussing on alcohol led events. The police have done a marvellous job with distributing congregations of people from Lion Green and preventing crime and disorder for them to now end up outside the club will be the undoing of all their hard work.

The site of the club is right next to the main Hindhead road which is a main route for both nursery and school children who are all being encouraged to walk to school and as such the drinking area being located adjacent to the pavement could cause issues with the proposed extension to both the type and frequency of events being held in the club. There is nothing stopping children being potentially able to access beverages from the tables as they walk past the club or wait at the bus stop which is also in very close proximity.

Please let us know if you require any additional information,

Yours sincerely,

**Kate Halsall**

---

**From:**  
**Sent:** Thursday 12 September 2013 15:19  
**To:** Licensing Policy  
**Cc:**  
**Subject:** Shottermill Club-Premises Licenses Application

(3)

Licensing Department,

Following the recent application for "premises licence" at Shottermill Working Men's Club we would like to list our objections below.

1 We have been constantly disturbed by noise coming from inside and outside the club since the smoking area has been moved, which can only get worse with extended hours and unlimited 'club nights'

The lack of public transport means that there could very well be a large amount of young people 'hanging around' after the club closes in the early hours. This could possibly lead to all sorts of unwanted behaviour in a predominantly residential area.

3 The advertising of 'cheap alcohol' is a worry in itself as it is encouraging people to drink more than they need and this in turn would cause extra noise and disturbance.

4 For the 25 years we have lived here we have never had an issue with the club as it has been for members and marketed as a 'family' venue, which has made it a good neighbour, if the licence that has been applied for is granted, I can only see the area descending into a 'dive' and I don't want to see drunks sleeping it off in the bus shelter on a Sunday morning.

I hope I have made our points clear

## Hearings

- 9.27 Regulations governing hearings may be found on the [www.legislation.gov.uk](http://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.

- 9.37 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.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

# 10. Conditions attached to premises licences and club premises certificates

## General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 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. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 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

- 10.4 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.
- 10.5 It is 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.

## Consistency with steps described in operating schedule

- 10.6 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.
- 10.7 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**

- 10.8 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.
- 10.9 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**

- 10.10 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. 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.

## **Hours of trading**

- 10.11 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.
- 10.12 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.
- 10.13 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.

## **The performance of plays**

- 10.14 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**

- 10.15 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.

## **Major art and pop festivals, carnivals, fairs and circuses**

- 10.16 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.
- 10.17 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.
- 10.18 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.
- 10.19 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**

- 10.20 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.
- 10.21 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)**

- 10.22 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.
- 10.23 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**

- 10.24 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**

- 10.25 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.
- 10.26 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).

10.27 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**

10.28 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.

10.29 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.

10.30 "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.

10.31 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.

10.32 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.

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

10.34 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**

- 10.35 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 DPS 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 aspirational licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.36 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.
- 10.37 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 that the introduction of the mandatory conditions has had on pre-existing conditions.

### **Irresponsible promotions**

- 10.38 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**

- 10.39 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**

- 10.40 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**

- 10.41 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**

- 10.42 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**

- 10.43 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**

- 10.44 The responsible person (see paragraph 10.38) 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

- 10.45 The responsible person (see paragraph 10.38) must ensure that free potable 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

- 10.46 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 10.38) 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.
- 10.47 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.
- 10.48 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.
- 10.49 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

- 10.50 The responsible person (see paragraph 10.38) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
  - Gin, rum, vodka or whisky: 25ml or 35ml
  - Still wine in a glass: 125ml

- 10.51 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).
- 10.52 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.
- 10.53 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**

- 10.54 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.
- 10.55 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not 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**

- 10.56 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.
- 10.57 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 ground (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).
- 10.58 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.

10.59 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 in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
- 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.

10.60 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.

10.61 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.)

## **Licence conditions – general principles**

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
  - must be precise and enforceable;
  - must be unambiguous and clear in what they intend to achieve;
  - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
  - must be tailored to the individual type, location and characteristics of the premises and events concerned;
  - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - should not replicate offences set out in the 2003 Act or other legislation;
  - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
  - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
  - should be written in a prescriptive format.

### **Each application on its own merits**

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.



## Licence conditions and reviews

- 15.20 The amendments made to the 2003 Act by the Live Music Act 2012 affect conditions relating to **live music** in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are **suspended** between the hours of 08:00 and 23:00 on the same day where the following conditions are met:
- at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
  - if the live music is amplified, the performance takes place before an audience of no more than 200 people; and
  - the live music takes place between 08.00 and 23.00 on the same day.
- 15.21 The effect of conditions relating to **other activities** that are deregulated between 08:00-23:00 is explained in paragraphs 15.29 to 15.33.

## Live music and conditions

- 15.22 In some instances, it will be obvious that a condition relates to live music and will be suspended, for example "during performances of live music all doors and windows must remain closed". In other instances, it might not be so obvious: for example, a condition stating "during performances of Regulated Entertainment all doors and windows must remain closed" would not apply if the only entertainment provided was live music between 08:00 and 23:00 on the same day to an audience of up to 200, but the condition would continue to apply if there was a disco in an adjoining room.
- 15.23 However, even where the 2003 Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.
- 15.24 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements (see Chapter 11 of this Guidance for more information about reviews under the 2003 Act).
- 15.25 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

## Live music: conditions relating to beer gardens

- 15.26 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08:00 and 23:00 on the same day before an audience of 200 people or fewer.

- 15.27 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08:00 and 23:00 on the same day in front of an audience of no more than 200 people.
- 15.28 However, a licensing authority may, in appropriate circumstances, impose a licence condition that relates to the performance of live music in an unlicensed beer garden using any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

### Conditions relating to plays, dance and indoor sport

- 15.29 As a result of the 2013 Order, a performance of a play or dance, or an indoor sporting event, will no longer require a licence to the extent that certain qualifying conditions (see paragraph 15.10) are satisfied. Similarly, to the extent that those qualifying conditions are satisfied, any current licence condition that relates to an activity for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.
- 15.30 Where, however, non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 15.36 and 15.37 below (conditions relating to other non-licensable activities).
- 15.31 A licence holder who wishes to remove conditions relating to activities that are no longer licensable may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities are encouraged to remove such conditions unless there are sufficiently serious specific concerns about the hosting of deregulated entertainment activities in relation to the remaining licensable activities taking place in the premises in question.
- 15.32 Performances of dance which are "relevant entertainment" within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") are not affected by the 2013 Order, regardless of the size of the audience or the time of day. "Relevant entertainment" is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 15.33 In almost all cases where a performance of dance is potentially licensable as both the provision of **relevant** entertainment (under the 1982 Act) and **regulated** entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act will be required where:
- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
  - relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

## **Conditions relating to combined fighting sports**

- 15.34 The 2013 Order amended the existing descriptions of regulated entertainment to make clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.
- 15.35 To the extent that a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

## **Conditions relating to other non-licensable activities**

- 15.36 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.
- 15.37 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music – see paragraph 15.16 above) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers, if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor, where the presence of customers who had been consuming alcohol on the premises had led to serious disorder.

## 2. The licensing objectives

### Crime and disorder

- 2.1 **Licensing authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 **In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible** and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 **Conditions should be targeted on deterrence and preventing crime and disorder.** For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 **The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas** with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.6 **Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.7 **It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent** and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **Public safety**

- 2.8 **Licence holders have a responsibility to ensure the safety of those using their premises**, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## **Ensuring safe departure of those using the premises**

- 2.11 **Licence holders should make provision to ensure that premises users safely leave their premises.** Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## **Maintenance and repair**

- 2.12 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## **Safe capacities**

- 2.13 **“Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises.** For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.14 **It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk.** This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.
- 2.15 **Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met.** In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises

certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.

- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.
- 2.17 Public safety includes the safety of performers appearing at any premises.

## Public nuisance

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.22 **Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 **Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

## Protection of children from harm

- 2.25 **The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 2.26 **The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.



- 2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.28 **Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.** Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.32 **Licensing authorities should give considerable weight to representations about child protection matters.**
- 2.33 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 (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises

licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

## Offences relating to the sale and supply of alcohol to children

2.35 **Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers** (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

## Table of relevant offences under the 2003 Act

Section	Offence
Section 145	Unaccompanied children prohibited from certain premises
Section 146	Sale of alcohol to children
Section 147	Allowing the sale of alcohol to children
Section 147A	Persistently selling alcohol to children
Section 148 <sup>1</sup>	Sale of liqueur confectionery to children under 16
Section 149	Purchase of alcohol by or on behalf of children
Section 150	Consumption of alcohol by children
Section 151	Delivering alcohol to children
Section 152	Sending a child to obtain alcohol
Section 153	Prohibition of unsupervised sales by children

<sup>1</sup> Note. The Government has announced its intention to repeal this offence, in 2013 at the earliest.