

# Premises Licence Variation

Guidance on the  
Application Process



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## introduction

This guidance will assist you with all requirements for making a Premises Licence Variation application.

A Premises licence authorises the following licensable activities:

The sale or supply of alcohol

The provision of public entertainment

A performance of a play (e.g. a pantomime or amateur dramatic production, including a rehearsal)

- ⊙ An exhibition of a film
- ⊙ An indoor sporting event
- ⊙ A boxing or wrestling entertainment
- ⊙ A performance of live music (e.g. karaoke, a band or a choir)
- ⊙ Any playing of recorded music
- ⊙ A dance performance
- ⊙ Facilities for making music, dancing and entertainment of a similar description

The provision of late night refreshment (hot food or drink, consumed on or off the premises, between the hours of 23:00 and 05:00)

## checklist

The following requirements must be met in order for you to apply for a Variation to a Premises Licence:

### Enclosures for Breckland's Licensing team:

- Completed Application Form
- Fee
- Plan of the building
- Declaration confirming the issuance of application to Responsible Authorities
- Declaration confirming display of Public and Newspaper Notice
- Both parts of your Premises Licence document

### Other requirements

- Issue a copy of the application form to the Responsible Authorities
- Display a Public Notice
- Display a Newspaper Notice

### Completing the Application Form

Please ensure you carefully read through the application form with this guidance before starting to complete the form. The form may be typed or written legibly in block capitals in black ink. If any part of the application is incomplete, or any documentation missing, then the application will be rejected.

The Licensing Team are unable to assist you with the detailed completion of the application form. If you require help, then we strongly advise you to seek your own independent legal advice. Licensing Officers are able to assist with any general enquiry on procedure.

Every section of the application form must be complete. At the top of the first page of the application form you should write the name(s) of the person(s) applying for the licence (please note applicants must be 18 years of age or over). Applications can be made by an individual, several individuals, a company or organisation or individuals acting as representatives for a company or individual. The applicant for a Premises Licence does not need to be a Personal Licence holder.



## Part 1 – Premises Details

Write the name, postal address, telephone number and rateable value of the premises for which you require the licence.

If the premises has no postal address (e.g. if the application relates to an event on open land) please enter the Ordnance Survey map reference and a description of the location.

The Non-Domestic Rateable Value of your premises is set by the Valuation Office Agency and helps determine the level of business rates payable. The rateable value of the premises is also used to establish the licence fee payable (please see Fees for Premises Licence for fee information). The rateable value can be found on your most recent information from the Valuation Office or by visiting [www.vo.a.gov.uk](http://www.vo.a.gov.uk) alternatively, if you don't have access to your website contact us. If the premises to be licensed does not have a Non-Domestic Rateable Value (e.g. a mobile vehicle) please write "none" and you will be charged the Band A fee for the licence application.

## Part 2 – Applicant Details

This section of the application form requests your telephone number, email and postal address.

## Part 3 – Variation

Please confirm if you would like the proposed variation to start immediately (by ticking the box) or from a specific date (by entering a date underneath). Before entering the commencement date please note that the application will go through a consultation period of 28 calendar days prior to being granted. If representations are received, it may be referred to a Licensing (Sub) Committee Hearing, which could take a further 20 calendar days.

You should then describe the variation to the existing licence. Please keep the description brief at this stage (e.g. seeking to increase hours of operation or amendments to plan of building).

If the premises is expecting 5000 attendees or more at any one time, please state the expected number. (There is an additional charge levied for premises allowing 5000 or more people, please refer to the fee tables at the end of this guidance).

## Part 4 – Operating Schedule

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

Please tick the box next to each of the licensable activities that you intend to conduct at the premises, this may be one or all of the available options.

Regulated entertainment is broken down in the options a) to k). You should then complete the relevant section that follows, e.g. if providing a) plays complete section A of the application, b) films complete section B and so on.

If providing late night refreshments tick the box then complete section L.

If supplying alcohol tick the box then complete section M.

## Sections A – L (Regulated Entertainment and Late Night Refreshments)

Please enter the relevant times you require for the licensable activity (not the opening hours of the premises to the public) each day of the week using the 24 hour clock format (e.g. 23:00 for 11:00pm, 00:00 for midnight).

Confirm where the activity will take place; indoors, outdoors or both.

Provide further details on the activity. Please ensure you read the relevant guidance note which can be found on page 21 of the application form to help you with this part of the form.

Seasonal variations (please read guidance note 4 on page 21 of the application form). This box should be completed to cover any additional variations required for seasonal activities (e.g. normal activities occur on Friday and Saturday all year, but you require the activity 7 days a week for the month of July).

Non-standard timings (please read guidance note 5 on page 21 of the application form). This box should be completed to cover the additional hours required for specific days (e.g. an extra hour on Easter Sunday, Bank Holidays, Christmas, New Year etc).

## Section M (Supply of Alcohol)

Please enter the relevant times you require for each day of the week using the 24 hour clock format (e.g. 23:00 for 11:00pm, 00:00 for midnight).

Confirm where the consumption of the alcohol will take place, on the premises, off the premises or both (please read guidance note 7 on page 21 of the application form).

Seasonal variations (please read guidance note 4 on page 21 of the application form). This box should be completed to cover any additional variations required for seasonal activities (e.g. normal activities occur on Friday and Saturday all year, but you require the activity 7 days a week for the month of July).

Non-standard timings (please read guidance note 5 on page 21 of the application form). This box should be completed to cover the additional hours required for specific days (e.g. an extra hour on Easter Sunday, Bank Holidays, Christmas, New Year etc).

## Premises Supervisor Details

The next section requests details of the Designated Premises Supervisor (DPS), this should be completed if you intend to sell alcohol from the premises.

The DPS must hold a personal licence (from the local Authority in which they live) and consent to taking on this responsible position.

Please complete the application with their name, address, Personal Licence number and the issuing Authority. The proposed DPS must also complete and sign the form *Consent of individual to being specified as Premises Supervisor*. This form should be sent back to Breckland Council and has to be provided as part of this application pack.

For further details on Designated Premises Supervisors and Personal Licences please visit our website [www.breckland.gov.uk](http://www.breckland.gov.uk).

Section N, O and P must be completed for all applications.

## Section N

Please detail any activities you propose to conduct that may give rise to concern in respect of children (please read guidance note 8 on page 21 of the application form). Examples here include nudity, semi-nudity, gambling or films for a restricted age group. If this does not apply to your premises please write N/A in this section, rather than leaving it blank.

## Section O

This section is for the hours the premises will be open to the public, not the licensable activities.

Please enter the times open to the public using the 24 hour clock format (e.g. 23:00 for 11:00pm, 00:00 for midnight). If necessary please ensure you allow time after the licensable activity has finished (e.g. half hour drinking up time at the end of the day).

Seasonal variations (please read guidance note 4 on page 21 of the application form). This box should be completed to cover any additional variations required for seasonal activities (e.g. normal activities occur on Friday and Saturday all year, but you require the activity 7 days a week for the month of July).

Non-standard timings (please read guidance note 5 on page 21 of the application form). This box should be completed to cover the additional hours required for specific days (e.g. an extra hour on Easter Sunday, Bank Holidays, Christmas, New Year etc).

## Section P

This section of the application form is extremely important. Anything you write here may become an enforceable condition of your licence. Please ensure you consider carefully any conditions you enter in this section, they should be realistic, achievable, necessary and within your control. Failure to meet these conditions would constitute an offence under the Licensing Act 2003.

You should describe the steps you intend to take to promote the four licensing objectives, which are:

- ⦿ Prevention of crime and disorder
- ⦿ Prevention of public nuisance
- ⦿ Public safety
- ⦿ Protection of children from harm

The information you provide in this section tells the Responsible Authorities (see Responsible Authorities section in this document) the controls and measures you will put in place to promote these licensing objectives.

In box a) you must describe the steps you intend to take to promote the four licensing objectives together. In boxes (b) to (e) you should list the steps you will take to promote each of the individual licensing objectives. Applicants should also

take into consideration Breckland's Licensing Policy (available at [www.breckland.gov.uk/licensing](http://www.breckland.gov.uk/licensing)) when completing this section of the form. Examples of possible conditions can be found on Page 12 in this guidance under *Guide for Operating Schedule Conditions*. Please note these examples are given as a guide only. These may not apply as standard conditions to every premises.

## Mandatory Conditions

Within the Licensing Act 2003 there is a statutory requirement for the Licensing Authority to impose certain mandatory conditions to a Premises Licence if applicable. There is no need to include the following mandatory conditions in your operating schedule in the application form.

These conditions are:

### Sale of Alcohol

- ⊙ No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.
- ⊙ Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Conditions 1-3 and 5 do not apply where the licence or certificate authorises the sale by retail or the supply of alcohol only for consumption off the premises.

1. The responsible person shall take all reasonable steps to ensure that staff on the premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another, other than where that person is unable to drink without assistance by reason of a disability.
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or

supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
  - i. Beer or cider: 1/2 pint;
  - ii. Gin, rum, vodka or whiskey 25ml or 35ml; and
  - iii. Still wine in a glass: 125ml; and customers are aware of these measures

### Exhibition of Films

No Moving picture shall be exhibited unless:

- ⊙ it has received a "U", "PG", "12A", "15" or "18" certificate from the British Board of Film Classification; or
- ⊙ where the film classification is not specified, admission of children must be restricted in accordance with any recommendation made by Breckland Council.

### Door Supervisors

If, during the opening hours of the premises, individuals are at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority.

## Part 5 – Signatures

All applicants, solicitor or authorised agent must sign and date the form and confirm their capacity in the involvement of the application. If you require any correspondence relating to the application to be sent to an alternative address, then please ensure the appropriate details are completed.

You should now have reached the end of the application form. Please check through the form to make sure all parts have been completed.

## Fees for Premises Licence

Ensure you enclose the relevant fee for your application, you can complete the Card Payment form on the last page of the application or enclose a cheque made payable to Breckland Council. Applications are subject to the fees shown in the table below. All fees are based on the Non-Domestic Rateable Value (NDRV) for the premises.

Rateable Value	£0* - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,000 and over
Band	A	B	C	D**	E**
Fee Payable	£100	£190	£315	£450	£635

\*Premises which are not liable for, or exempt from, National Non-Domestic Rates will fall under Band A

\*\*Where a premises falls under Band D or E and is used exclusively or primarily for the supply of alcohol for consumption on the premises the fee will be as follows:

Band	Fee
Band D	£900
Band E	£1905

Where the maximum number of persons allowed on the premises at the same time (during times that licensable activities take place) is 5000 or more the following additional fee applies:

Number of People	Additional Fee
5,000 – 9,999	£1,000
10,000 – 14,999	£2,000
15,000 – 19,999	£4,000
20,000 – 29,999	£8,000
30,000 – 39,999	£16,000
40,000 – 49,999	£24,000
50,000 – 59,999	£32,000
60,000 – 69,999	£40,000
70,000 – 79,999	£48,000
80,000 – 89,999	£56,000
90,000 and over	£64,000

## Annual Fees

Each year the licence is subject to an annual fee. The annual fees are based on the Non domestic Rateable Value (NDRV):

Rateable Value	£0* - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,000 and over
Band	A	B	C	D**	E**
Fee Payable	£70	£180	£295	£300	£350

## Exemptions from Fees

No initial fee is payable for the following:

- ⊙ The application is by a proprietor of an educational institution in respect of premises that are or form part of an educational establishment
  - ▶ The establishment is a school or college
  - ▶ The provision of regulated entertainment on the premises is carried on by the establishment for and on behalf of the establishment
- ⊙ The application is in respect of premises that are or form part of a church hall, chapel hall or similar building or a village hall, parish hall or other similar building

## Plans of the premises

A plan of the premises will have to be submitted with every application for a Premises Licence or Club Premises Certificate. The plan should be drawn in standard scale (1:100). If your building is large or small this scale may not be practical, if you would like to use a different scale please contact us in writing before submitting your application. Our Licensing Team will contact you to confirm if the proposed scale is acceptable.

The plan will need to show:

- ⊙ The boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises
- ⊙ Points of access and exits from the premises, and the location of escape routes if different
- ⊙ Where the premises is to be used for more than one licensable activity, the area within the premises used for each activity
- ⊙ Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on exits and escape routes
- ⊙ The location and height of any stage or raised area or area relative to the floor
- ⊙ Any steps, stairs, elevators or lifts
- ⊙ Any room or rooms containing public conveniences
- ⊙ The location of a kitchen, if any, on the premises



The plan may include symbols to illustrate such matters, and a key to explain them.

Please ensure you make it clear as to where the different licensable activities are going to take place, use coloured outlines if necessary (remember to update your key if using this method to enable the plan to be easily readable).

## Issue Application Form to Responsible Authorities

A copy of the completed application form must be sent to each of the Responsible Authorities. Please check website for updated list

### The Chief Officer of Police

(from 28 July 2015)

c/o The Norfolk Constabulary Licensing Team  
Bethel Street Police Station  
Bethel Street, Norwich, Norfolk NR2 1NN

### The Chief Fire Officer

c/o Norfolk Fire Service  
Norwich Road, Thetford Norfolk IP24 2HT

### Safeguarding Children Board

Room 60, Lower Ground Floor  
County Hall, Martineau Lane, Norwich NR1 2UG

### Planning

Head of Development Control  
Breckland Council  
Elizabeth House, Walpole Loke, Dereham Norfolk NR19 1EE

### Environmental Health

Breckland Council  
Elizabeth House, Walpole Loke, Dereham Norfolk NR19 1EE

### Trading Standards

Norfolk Trading Standards  
Norfolk County Council  
Matineau Lane, Norwich NR1 2UD

The enforcing authority for Health and Safety will be notified by the Licensing Team.

Any of the Responsible Authorities have 28 consecutive days, starting with the day after the day your application was given to the Licensing Team, to make representations about your application.

## Display a Public Notice

You must advertise the application by displaying a Public Notice.

- ⦿ It must be displayed in a conspicuous place on the premises for at least 28 consecutive days starting after the day the application was submitted
- ⦿ It must be displayed where it can be conveniently read by members of public from the exterior of the premises
- ⦿ It must be at least A4 size
- ⦿ It must be pale blue in colour
- ⦿ It must be printed legibly in black ink or typed in a black font equal or greater than font size 16
- ⦿ If the premises covers an area greater than 50 square metres a further, identical notice must be displayed every 50 metres of the perimeter of the premises
- ⦿ Please ensure your application is complete and valid before displaying your Public Notice. If incorrect you may need to display again for 28 consecutive days after submission of a complete application
- ⦿ The Public Notice gives the public the opportunity to make representations. If the representation is valid it may result in a Committee hearing at Breckland Council
- ⦿ Please complete and submit your declaration confirming your display of your Public Notice
- ⦿ You can either complete the form enclosed in the pack or complete and print an online version from [www.breckland.gov.uk/licensing](http://www.breckland.gov.uk/licensing)



## Example of a Public Notice

**Notice of an Application for a Variation of a Premises Licence under the Licensing Act 2003**

Name of applicant: .....

Premises name & address to which application refers:

Name: .....

Address: .....

(In the absence of a postal address a description sufficient to identify the location and extent of the premises)

Proposed variation to the licensable activities and hours of operation:

.....

.....

.....

If you wish to object to this variation written representations should be made to the licensing authority below:

Licensing Team  
Breckland Council  
Elizabeth House  
Walpole Loke  
Dereham  
Norfolk NR19 1EE.

The application for the above variation may be viewed during office hours at the above offices.

**Representations should be made by** / /

N.B It is an offence, liable on conviction to a fine up to level 5 on the standard scale (£5000), under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application.

## Example of a Newspaper Notice

Notice is hereby given that ..... (name of applicant) has applied in respect of ..... (premises name and address) for a variation Premises Licence under the Licensing Act 2003 to allow for .....

..... (details of variation to licensable activities including times and days). Representations to this application must be made in writing by -- / -- / ---- (date) to the Licensing Team, Breckland Council, Elizabeth House, Walpole Loke, Dereham, NR19 1EE where applications can be inspected during office hours. It is an offence liable on summary conviction to a maximum fine of £5,000 to knowingly or recklessly make a false statement in connection with this application.

## What happens next?

Breckland Council will acknowledge receipt of your application and supporting documentation within 3 working days. If there is anything that requires clarifying we may contact you, please retain a copy of your application form in case we need further information.

If there are no representations within the 28 day time period, the advertising requirements have been complied with and the application has been correctly made, the licence will be granted. We will normally notify you within 10 working days and issue your licence within 20 working days. In this case only conditions relating to the operating schedule and mandatory conditions required by the Licensing Act will be attached to the licence.

If representations have been made within the 28 day time period and the representation is relevant (and not vexatious, frivolous or repetitious) the Licensing Team will, together with you and the party making the representations, try and resolve any issues informally. If the matter cannot be resolved informally then a hearing will be held before the Licensing Sub-Committee (unless all parties agree a hearing is unnecessary), where all relevant parties may attend. The Licensing Sub-Committee will consist of three elected members of the Council. You will be able to give evidence in support of your application, answer questions and call any witnesses. The Committee will listen to evidence from all parties before deciding whether to grant the licence or refuse it. The Committee will also decide if any conditions relevant to the Licensing Objectives should be attached.

If you are dissatisfied with a decision made by the Licensing Sub-Committee you can appeal to the Magistrates Court

## Publish a Newspaper Notice

You must advertise your application by displaying a notice in a local newspaper.

- ⊙ It must be placed in a local newspaper that circulates in the vicinity of the premises
- ⊙ It must be published on at least one occasion during the period 10 working days after the day the application was submitted
- ⊙ Please ensure your application is complete and valid before displaying your Newspaper Notice. If incorrect you may need to advertise again

The Newspaper Notice gives the public the opportunity to make representations. If the representation is valid it may result in a Committee hearing at Breckland Council. Please complete and submit your declaration confirming your display of a Newspaper Notice

within 21 days of being notified of the Licensing Sub-Committee's decision.

## Guide for Operating Schedule Conditions

These examples are given as guide only, do not use these as standard conditions as they may not apply to every premises.

When completing your operating schedule, consideration needs to be given to the promotion of the licensing objectives. The individual circumstances of the premises are to be taken into account such as the nature/style of the venue, the activities being conducted there, the location and the anticipated clientele.

Measures the applicant intends to take will be incorporated into the premises licence as conditions. They will be enforceable under the law and any breach could give rise to prosecution. Conditions that are imprecise or difficult to enforce should be avoided. Conditions replicating offences under the Licensing Act 2003 are unnecessary.

Below are some areas to consider when completing your operating schedule but these are not exhaustive. You may wish to seek specialist advice from the appropriate Responsible Authorities.

Please note, these are not standard conditions and may not apply in all cases.

### Prevention of Crime and Disorder

#### Text / radio pagers

Text pagers connecting premises licence holders, designated premises supervisors and managers of premises clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and/or staff on the premises.

Such pagers provide two-way communication enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, thus enabling the police to warn a large number of other premises in a particular area of potential troublemakers or individuals suspected of criminal behaviour.

Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence of such individuals.

#### Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- ⊙ preventing the admission and ensuring the departure from the premises of the drunk and disorderly without causing further disorder
- ⊙ keeping out excluded individuals (subject to court bans or imposed exclusion by the licence holder)
- ⊙ searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
- ⊙ maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence (which means that they would have to be registered with the Security Industry Authority), conditions may also need to deal with: the number of such supervisors; the displaying of name badges; the carrying of proof of registration; where and at what times they should be stationed on the premises; and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

#### Bottle bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs, as the openings may be readily covered. These issues therefore need to be carefully balanced.

#### Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries.

The location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of

such plastic containers or toughened glass during the televising of live sporting events - such as international football matches when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

### CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises.

Conditions should not just consider a requirement to have CCTV on the premises, but also the precise citing of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments with advice on the use of CCTV to prevent crime when preparing operating schedules.

### Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere.

Where premises are licensed for the sale of alcohol for consumption “off” the premises, this would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This again may be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

### Restrictions on Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

### Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions that set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence.

Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

### Proof of Age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them.

To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. This should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports.

### Challenge 21

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 21” or similar initiatives. Under the “Challenge 21” initiative, those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

### Crime prevention notices

It may be necessary at some premises for notices to be displayed, which warn customers of the prevalence of crime that may affect them.

Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example: in certain areas a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be

displayed that advise customers not to leave bags unattended because of concerns about terrorism.

Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

### Drinks promotions

Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives. Judgements may be subjective, and on occasions there will be a very fine line between responsible and irresponsible promotions, but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

### Signage

It may be necessary for the normal hours (under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place) to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would be clear and may deter those who might seek admission in breach of those conditions.

### Staff training

Bar staff could receive suitable training to prevent the sale of alcohol to under 18's and to people who are intoxicated. Staff could also monitor who is consuming alcohol to prevent under 18's from doing this.

### Public Safety

It should be noted that conditions should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and

especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced the previous Fire Safety legislation. The Licensing Authority notes that under article 43 of the Order, any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the order have no effect. This means that the Licensing Authority will not seek to impose fire safety conditions where the order applies.

Conditions enforcing those requirements would therefore be unnecessary.

### General

Please note that special issues may arise in connection with outdoor and large-scale events. Please request a copy of the "Event Safety – a Guide for Organisers" guidance produced by Breckland Council.

Necessary conditions for the licence or certificate will also depend on the premises. In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules should consider:

- © Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)



- ⊙ The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- ⊙ Managing Crowds Safely (HSE 20 00) ISBN 0 7176 1834 X
- ⊙ 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- ⊙ The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- ⊙ Safety Guidance for Street Arts, Carnival, Processions & Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through [www.streetartsnetwork.org/pages/publications](http://www.streetartsnetwork.org/pages/publications)

### Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- ⊙ When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- ⊙ Disabled people on the premises are made aware of those arrangements

### Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- ⊙ All exit doors can easily open without the use of a key, card, code or similar means;
- ⊙ Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;

- ⊙ Any security fastenings are removed prior to the premises being open to the public;
- ⊙ All fire doors are maintained effectively self-closing and shall not be held open;
- ⊙ Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- ⊙ The edges of the treads of steps and stairways are maintained so as to be conspicuous.

### Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

Safety checks are carried out before the admission of the public; and

Details of such checks are kept in a Logbook.

### Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⊙ Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- ⊙ The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and is required to inform any authorised person upon request.

### Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that access for emergency vehicles is kept clear and free from obstruction.

### First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- ⦿ If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

### Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- ⦿ Fire safety signs are adequately illuminated.
- ⦿ Emergency lighting is not to be altered without the consent of the licensing authority.
- ⦿ Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- ⦿ In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

### Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work.

Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.

Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before

they are put to use.

### Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ The premises are effectively ventilated.
- ⦿ Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- ⦿ Ventilation ducting is kept clean.
- ⦿ Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

### Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- ⦿ If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- ⦿ Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant.
- ⦿ At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- ⦿ At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

### Outdoor drinking areas

If premises have an outdoor area such as a beer garden or have tables and chairs on the pavement you may wish to consider shatterproof or plastic glasses or patrons could be restricted from taking bottles into that area. Regular glass and

bottle collections could be undertaken throughout the premises.

## Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990, Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly (for up to 24 hours) licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

### General

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on the premises.

### Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. This must be balanced by the potential impact on disorder that may result from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public

or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

### Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- ⊙ Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- ⊙ Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- ⊙ The use of explosives, pyrotechnics and fireworks of a similar nature that could cause disturbance in surrounding areas are restricted.
- ⊙ The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

### Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance. Consideration might be given to conditions that ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

### Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance. Consideration might be given to conditions that ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.



## Litter

Consideration should be given to facilities for depositing litter and the collection of litter generated by customers. This could include a condition that at the close of business all litter attributable to the business which is in the vicinity of the premises will be removed.

## Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

### Access for children to licensed premises – general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- ⊙ For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating

schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- ▶ Explain their reasons; and
  - ▶ Outline in detail the steps that they intend to take to protect children from harm on such premises.
- ⊙ For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00pm in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.
  - ⊙ In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.



### Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place applicants should consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary.

Examples are:

- ⊙ The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- ⊙ Types of event or activity in respect of which no age restrictions may be needed, for example family entertainment or non-alcohol events for young age groups such as under 18's dances,

Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example during "Happy Hours" or on drinks promotion nights or during activities outlined above.

### Age Restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, 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 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- ⊙ A condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- ⊙ A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the

following way:

- ▶ U Universal – suitable for audiences aged four years and over
  - ▶ PG – Parental Guidance. Some scenes may be unsuitable for young children.
  - ▶ 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
  - ▶ 15 – Passed only for viewing by persons aged 15 years and over.
  - ▶ 18 – Passed only for viewing by persons aged 18 years and over.
- ⊙ That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

A condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

Where a programme includes a film recommended by the licensing authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms –

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained.

The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice.



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Guidance on the **Application Process**  
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