

REPORT TO: LICENSING COMMITTEE – 28 JANUARY 2005

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

Licensing Act 2003 – Pool of Model Conditions – Proposed additional model condition.

1. PURPOSE OF REPORT

The purpose of this report is to consider a request made by the Police to add a further model condition to the Pool of Model Conditions for consideration by applicants when making an application for a premises licence or club premises certificate.

2. LICENSING MANAGER'S RECOMMENDATION AND REASONS:

RECOMMENDED that the Committee approve within the existing pool of model conditions, under the existing heading of “prevention of crime and disorder – door supervisors”, the inclusion of an additional model condition worded as follows:

“Where a premises employs door supervisors for security purposes both within the club and for the purposes of monitoring the entrance and exits, those staff should wear a fluorescent and/or reflective orange tabard, clearly marked “door supervisor” or “security”. The tabard should also be fitted with a permanent clear plastic window on the chest area in which to satisfactorily display the licence issued to the door supervisor by the Security Industry Authority”.

Reasons:

- (a) It is requirement of the Licensing Act 2003 that the licensing authority promote the four licensing objectives, of which the prevention of crime and disorder and public safety are most relevant for consideration in respect of this proposal;**
- (b) The Police have made representations that the inclusion of this additional model condition is necessary in the interests of public safety for licensees, agents and the general public and in order to prevent potential crime and disorder, that security staff are easily identifiable. The introduction of fluorescent and/or reflective tabards will allow a door supervisor to be quickly and easily identified both within and outside the licensed premises, assisting timely deployment to an incident.**
- (c) The use of such tabards will offer greater protection to door supervisors as they will be easily identifiable by members of the public and the Police.**

3. BACKGROUND

The Licensing Act 2003 (“the Act”) will require premises to be licensed for the provision of licensable activities which relate to the sale or supply of alcohol, the provision of regulated entertainment and late night refreshment.

As part of the application process for premises licences and club premises certificates, applicants will be required to submit an operating schedule which will outline what measures they will undertake to promote the four licensing objectives. The licence will automatically be granted, subject to no representations being received from responsible authorities or interested parties, subject to conditions consistent with the measures incorporated within the operating schedule.

To assist applicants in preparing the operating schedules, the statutory guidance issued by the Secretary of State has provided advice and recommendations concerning best practice in respect of conditions attached to premises licences and club premises certificates. Any conditions attached to a licence or certificate are essentially the steps or actions the holder of a licence will be required to take or refrain from taking at all times when licensable activities are taking place at the premises concerned. The statutory guidance provides examples of conditions for the promotion of each of the licensing objectives, the Pool of Model Conditions, but this list is not intended to be exhaustive.

Where an applicant has submitted an application for a premises licence or club premises certificates, a copy of this application is also served on the responsible authorities in order to provide them with an opportunity to scrutinise the application. A responsible authority or interested party may make representations to the licensing authority if they consider that the application does not adequately promote the licensing objectives, which will include having regard to the measures contained within the operating schedule.

If the representations are relevant then a hearing by the Licensing Committee will be required to consider the application.

The licensing authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives.

However, in order to promote proper communication and to minimise necessity for hearings, it would be sensible for applicants to consult with responsible authorities and to have regard to the pool of model conditions when preparing their operating schedules.

It would therefore be appropriate to incorporate the proposed additional model condition requested by the Police within the Pool of Model Conditions in order that applicants can have regard to such steps that can prevent crime and disorder when preparing their application.

It should be made clear that the use of such conditions by either an applicant as part of the operating schedule or by the licensing authority as a result of representations being made should only be used where necessary and should be tailored to the size, style, characteristics and activities taking place at the premises concerned. By adopting such an approach, the use of “standardised” conditions will be avoided and only those conditions appropriate to the particular circumstances of any individual premises should be considered.

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For Head of Legal & Democratic Services