

## Licensing Act 2003

### Pool of Licensing Conditions

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#### **Guidance on Writing an Operating Schedule**

When preparing a new or variation application for a premises licence or club premises certificate applicants are required to describe the steps they intend to take to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Torbay Council has produced this pool of licensing conditions to assist applicants in completing this section of their application and to promote a consistent approach in the wording of conditions. It is intended to provide a broad range of conditions that should cover most eventualities, however those persons wishing to host large one off events e.g. festivals are alternatively recommended to discuss this with the event safety advisory group by contacting [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)

All premises licences and club premises certificates will be subject of mandatory conditions prescribed by the Licensing Act 2003. It is suggested that applicants examine the list of these which can be found at the end of these pool of conditions. All further conditions imposed should be tailored to the particular circumstances of an individual premises and determined on a case-by-case basis. They should reflect how applicants will promote these licensing objectives having regard to the nature and type of venue, proposed licensable activities, location, operating times, anticipated clientele etc. For example, if an application relates to a restaurant, the measures or controls expected to implement will be less than a nightclub or music festival.

Conditions which are appropriate to promote the licensing objectives should initially emerge from a prospective licence holder's risk assessment and then be translated to form part of the operating schedule for the premises. Any conditions, controls or restrictions that are offered by applicants in their operating schedule will be added to a licence or certificate and as such will govern the way in which licensed premises are managed. In circumstances where words or phrases used in an operating schedule are confusing, unenforceable etc., rather than reproducing those terms, minor amendments may be made by the Licensing Authority. Furthermore, the Licensing Authority will not impose conditions which it believes are duplicated in other legislation.

This pool of conditions is not intended to form an exclusive or exhaustive list of conditions which should be included on a licence or certificate. Applicants should consider offering conditions that are appropriate, necessary and proportionate in the circumstances of their particular application. Moreover, the pool does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor does it restrict the Council's Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of

the licensing objectives (after representations have been received to an application and by way of a hearing).

Guidance states that conditions are important in setting the parameters under which premises can lawfully operate. As such applicants should consider whether conditions can be met and be mindful as to whether what they have offered is practical, realistic and enforceable. A breach of condition constitutes an offence for which those found guilty may face an unlimited fine and/or six months imprisonment.

Before an application is submitted we recommend that applicants contact any relevant responsible authorities to discuss their application. They may suggest conditions that should be considered prior to submission, which may reduce the likelihood of a responsible authority or member of the public submitting a representation (objection). Responsible authorities may contact you after the submission of your application to suggest amendments to your operating schedule, particularly if you have not contacted them previously.

Additional information on conditions can be found in the Section 182 guidance to the Licensing Act 2003 available on the GOV.UK website. Comments on the content and use of the pool of conditions are welcomed. Please contact the Licensing Team via [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)

## **Cumulative Impact**

The Council has adopted a Cumulative Impact Area for two areas in Torquay. These two areas include the whole of Torquay's harbourside and Fleet Street and an area around Castle Circus. Further information can be found in the Cumulative Impact Policy at [www.torbay.gov.uk/licensing-statement-of-principles](http://www.torbay.gov.uk/licensing-statement-of-principles). This was introduced to control the large concentration of licensed premises selling alcohol and incidences of alcohol-related crime and disorder and nuisance. The effect of this policy is that when applying for a premises licence in any of these areas (or a variation of an existing licence) you should be aware that higher standards will be applied. For example, if you were considering opening a nightclub or public house the likelihood is that your application will be refused, unless you put in place sufficient controls that demonstrate your premises will not add to the cumulative impact of the area. However, if you were considering opening a restaurant or similar establishment it is likely that your application would be granted as it is not likely to attract the same crime and disorder concerns. If the premises are located in any of these areas, you are advised to speak to the Police and Environmental Health Authorities prior to making an application.

<b>CONTENTS</b>	
<b>Conditions relating to the prevention of crime and disorder</b>	
1	Training
2	Incident Log
3	Alcohol Consumption
4	Management Controls
5	Nature of Alcohol Sales
6	Door Supervisors
7	Substance Misuse
8	Restrictions on Use of Premises
9	CCTV
<b>Conditions relating to the prevention of public nuisance</b>	
10	Restrictions on Live Music
11	Dispersal
12	Speakers
13	Equipment and Deliveries
14	Noise Levels
15	Point of Contact
16	Noise Limiting Devices
17	Doors, Windows, & Lobbies
18	Noise Monitoring
19	Smoking Areas
20	Restrictions on Outside Areas
21	Taxi Provision
22	Deliveries & Handling of Equipment
23	Reports & Schemes
24	Litter & Waste
25	Lighting
26	Fumes, Steam & Odours
<b>Conditions relating to public safety</b>	
27	Occupancy/Capacity Limits
28	Sanitary Facilities

29	Lighting
30	Air Conditioning
31	Queues
32	Glassware and Bottles
<b>Conditions relating to the protection of children from harm</b>	
33	Proof of Age Scheme
34	Refusals Register
35	Unaccompanied children
36	Till Prompt System
37	Films
38	Nudity and Sexual Entertainment
<b>Conditions relating to online sales of alcohol</b>	
39	Ordering
40	Delivery
41	General
<b>General Conditions</b>	
42	Night time hatches

**Conditions relating to the prevention of crime and disorder**

1.Training	D1	<p>All staff engaged in licensable activity at the premises will receive training and information in relation to the following (select from the following):</p> <p>The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.</p> <p>The hours and activities permitted by the premises licence / club premises certificate* (delete as appropriate) issued under the Licensing Act 2003 and conditions attached to the licence/certificate*(delete as appropriate).</p> <p>How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).</p> <p>Recognising the signs of drunkenness.</p> <p>The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.</p> <p>Action to be taken in the event of an emergency, including reporting an incident to the emergency services.</p> <p>Training shall be recorded in documentary form and shall be regularly refreshed at no greater than (insert) intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.</p> <p>Training records will be retained for at least 12 months.</p>
2.Incident log	D2	<p>An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details (select from the following):</p> <p>Any incidents of disorder or of a violent or anti-social nature</p> <p>All crimes reported to the venue, or by the venue to the police</p> <p>All ejections of patrons</p> <p>Any complaints received</p> <p>Seizures of drugs or offensive weapons</p> <p>Any faults in the CCTV system</p> <p>Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.</p> <p>Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the</p>

		<p>people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.</p> <p>The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.</p>	
3.Alcohol Consumption	D3	Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.	
	D4	The sale and supply of alcohol for consumption in any outdoor area of the premises/off the premises* (delete as appropriate) shall be restricted to alcohol consumed at the outside tables and chairs and shall be by waiter or waitress service, served only to a person taking a substantial table meal there and be for consumption by such a person as ancillary to their meal.	
	D5	There shall be no consumption of beverages purchased from the premises in the designated smoking area.	
	D6	There shall be no consumption of beverages purchased from the premises outside the premises.	
	D7	There shall be no consumption of beverages outside the premises after (insert) hours.	
	D8	After (insert) hours no drinks are to be taken to the outside area and no consumption of drinks will occur after (insert) hours.	
	D9	Clear and legible signage must be prominently displayed in the outside area specifying that no drinks are to be taken into this area after (insert) hours.	
	D10	Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers.	
	4.Management Controls	D11	There shall be no admissions or re-admission to the premises after (insert) hours.
		D12	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
D13		Outside of the hours authorised for the retail sale of alcohol and whilst the premises are open to the public, all alcohol within the premises (including alcohol behind the counter) must be secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.	

	D14	All alcohol on display will be in such a position so as not to be obscured from the constant view of the cashier / staff.
	D15	An attendant shall be on duty in the cloakroom the whole time that it is in use.
5.Nature of Alcohol Sales	D16	No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
	D17	No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
	D18	Minimum of two staff to be on duty at times the premises remain open for sale
	D19	Staff must obtain nationally recognised training on responsible alcohol retailing within 2 months of employment
	D20	High strength beers or ciders will be for sale behind a counter accessed only by staff.
	D21	All alcoholic drinks will be clearly labelled or marked with the name of the premises.
	D22	Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO).
	D23	Retail sale of alcohol shall only take place from a fixed bar, no mobile dispense sales will take place.
6.Door Supervisors	D24	The number of SIA licensed door supervisors employed shall be in accordance with the following ratio: A minimum of 2 door supervisors will be employed for the first (100) customers and one door supervisor for every (100) thereafter.
	D25	A minimum of (2) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.
	D26	A minimum of (insert number) SIA licensed door supervisors shall be positioned at the exit(s) from the premises at closing time.
	D27	A minimum of (insert number) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times until the premises have closed and all customers have left.
	D28	All SIA licensed door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the entrance(s) shall wear 'high visibility' clothing (such as a jacket or waistcoat).
	D29	All persons entering or re-entering the premises shall be searched by a SIA licensed door supervisor.
	D30	SIA licensed door supervisors engaged in searching persons shall be fully trained in the use of their powers to do so.

	D31	Where searches of persons are undertaken SIA licensed door supervisors of both sexes will be on duty.
	D32	<p>The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:</p> <ul style="list-style-type: none"> <li>(i) Full name</li> <li>(ii) SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)</li> <li>(iii) The date and time they began their duty</li> <li>(iv) The date and time they completed their duty</li> <li>(v) The full details of any agency through which they have been allocated to work at the premises if appropriate</li> </ul> <p>The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.</p> <p>The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.</p>
	D33	All SIA licensed door supervisors will be provided with working radios to enable them to contact each other and the duty manager at the premises at all times whilst on duty.
	D34	SIA licensed door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
	D35	Any queue to enter the premises which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.
7.Substance Misuse	D36	A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.
	D37	Where door supervisors are used to search patrons as a condition of entry, a written drugs policy formulated in consultation with the Police will be in place. The policy will include an agreed procedure for the handling and retention of any article seized.



	D38	<p>A structured training programme surrounding substance misuse will be in place. Training will be undertaken at (regular intervals/annually/ _ monthly intervals*) delete as appropriate for all staff that deal with persons who are in the possession of/or incapacitated through the use of drugs or the combined effect of drugs and alcohol.</p> <p>Records will be maintained detailing the time and date of substance misuse training, the people who received the training, and the name of the person delivering the training.</p> <p>Records will be available for inspection by an authorised officer of a responsible authority at all reasonable times. The records will be retained for at least 12 months.</p>
	D39	A senior member of the management team at the premises must hold a National Certificate of Drugs Awareness qualification, run by the British Institute of Inn keeping or similar accredited body.
	D40	There must be at the premises a lockable drugs safe to which no member of staff, save the DPS or (insert) shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this safe as soon as practicable. Whenever this box is emptied, all of its contents must be given to the police for appropriate disposal.
	D41	<p>Where a drug safe is available on the premises to deposit finds there will be in place a clear policy for the handling and packaging of seized items.</p> <p>Note: For premises with a suitable 'Drug Safe' the items secured within that safe are not considered as being in their possession</p>
	D42	A clear and legible notice must be prominently displayed at all entrances to the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
	D43	Appropriate security arrangements will be in place including toilet areas and other similar areas being regularly checked for evidence of drugs. The date and times of all checks will be recorded in a register kept for that purpose and be available for inspection and copying on request of an authorised officer of a responsible authority. Signage shall also be prominently displayed in the toilet areas advising patrons that checks are conducted regularly.
8.Restrictions on Use of Premises	D44	The licensable activities authorised by this (licence/certificate*) and provided at the premises shall be ancillary to the main function of the premises as (offices / delicatessen / museum / theatre / hairdressers / etc.*) (Delete as appropriate)

	D45	<p>The premises shall only operate as a restaurant (select from the following):</p> <ul style="list-style-type: none"> <li>(i) in which customers are shown to their table</li> <li>(ii) where the supply of alcohol is by waiter or waitress service only</li> <li>(iii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery</li> <li>(iv) which does not provide any takeaway service of food or drink for immediate consumption</li> <li>(v) where alcohol is not be sold or supplied, otherwise than for consumption by persons taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> </ul> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>
	D46	Consumption of alcohol in the bar area is restricted to customers waiting to be escorted to a table.
	D47	Numbers of patrons drinking in the bar area (not awaiting tables) shall not exceed (insert) persons.
9.CCTV		<p>Note from the Licensing Authority on imposition of conditions surrounding CCTV:</p> <p>When considering the use of surveillance camera systems as part of the conditions attached to a licence or certificate, applicants and responsible authorities should have particular have regard to Guiding Principle One in the <a href="#">Surveillance Camera Code of Practice</a> (June 2013) issued by the Home Office which can be found at:</p> <p>A blanket attachment of surveillance camera conditions is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and be kept under regular review. Applications in relation to licensed premises must take into account whether a requirement to have a surveillance camera system is appropriate in the particular circumstances of the case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified.</p> <p>Guiding Principle One is shown below for information:</p>

Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and be necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the on-going requirement for operation or use of the systems and any images or other information obtained can be assessed.

In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator should always consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and

investigation of crime and the end user is likely to be the police and the criminal justice system.

A surveillance camera system should only be used in a public place for the specific purpose or purposes it was established to address. It should not be used for other purposes that would not have justified its establishment in the first place. Any proposed extension to the purposes for which a system was established and images and information are collected should be subject to consultation before any decision is taken.

D48 The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and local authority

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

	<p>All equipment must have a constant and accurate time and date generation.</p> <p>All recordings will be stored for a minimum period of 14 days with date and time stamping. (Offers on applications in excess of 14 days are acceptable).</p> <p>Viewable copies of recordings will be provided on request to the Police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998 (or any replacement legislation) OR a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 1998 (or any replacement legislation).</p> <p>The applicable condition will be based on the size/location and business operation of the premises, assessed on an individual basis.</p> <p>The CCTV system will be capable of downloading images to a recognisable viewable format.</p> <p>There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.</p>
D49	<p>The CCTV system will be fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document <a href="http://www.informationcommissioner.gov.uk">www.informationcommissioner.gov.uk</a> (or any renewed equivalent guidance which is subsequently issued) regarding installation of CCTV is provided at the premises.</p>
D50	<p>If the CCTV equipment (including any mobile units in use at the premises) breaks down the Licensing Authority and the Police must be informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in an incident report register and shall include the time, date and means this was done and to whom the information was reported. Immediate steps must be taken to put the equipment back into action. The Licensing Authority and the Police shall be informed when faults are rectified.</p>
D51	<p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all</p>

		times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with the absolute minimum of delay when requested (in accordance with the Data Protection Act 1998 or any replacement legislation).
<b>Conditions relating to the prevention of public nuisance</b>		
10. Restrictions on Live Music	N1	The performance of live entertainment will be limited to a maximum duration of (insert) hours inclusive of any breaks.
	N2	The performance of live entertainment will be limited to (one/two) evenings per week.
11. Dispersal	N3	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
	N4	Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
	N5	When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity as quickly and quietly as possible.
	N6	Clear and legible notices shall be prominently displayed at the entrances to the premises advising that of patrons cause any disturbance or disorder admission will be refused as a result.
	N7	During the final hour of trading appropriate announcements will be made or images projected to remind patrons of the need to leave the premises quietly without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.
12. Speakers	N8	No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
	N9	Speakers will not be located in the entrance lobby or (specify another location if appropriate) or outside the premises.
	N10	No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.
	N11	All internal speakers shall be attached to independent wall linings and not to the ceiling.

	N12	All speakers shall be mounted on speaker brackets that incorporate isolating rubber mounts.
13. Equipment & Deliveries	N13	Pneumatic tyres (or equivalent) will be fitted to any moving work equipment to be used outside (e.g. bins, trolleys, roll cages etc.).
	N14	Any moveable furniture will be fitted with rubber (or equivalent) feet.
	N15	Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
	N16	Any generator will be positioned away from residential premises and in the case of a mobile van positioned so that the vehicle acts as a screen.
	N17	Where plant and machinery are likely to cause a noise problem it will be positioned in such a way that the building structure provides as much screening as possible for nearby noise-sensitive properties. Alternatively, or additionally, control measures such as acoustic enclosures, acoustic louvers, silencers, or additional acoustic screening will be considered by applicants.
	N18	The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before (insert) hours or after (insert) hours.
	N19	No deliveries (in relation to licensable activities) to the premises shall take place between (insert) hours and (insert) hours.
14. Noise Levels	N20	<p>Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 2300 hours. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are: -</p> <p style="padding-left: 40px;">i) Before 2300 hours - Noise emanating from the premises shall not be clearly distinguishable above other noise.</p> <p style="padding-left: 40px;">ii) After 2300 hours - Noise emanating from the premises shall not be distinguishable above background levels of noise.</p> <p style="padding-left: 40px;">iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.</p>
15. Point of Contact	N21	A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be

		made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.
	N22	The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority.
16. Noise Limiting Devices	N23	A noise limiting device (the specification and design to be agreed with Torbay Council's Environmental Health Service) shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Torbay Council's Environmental Health Service and will be reviewed from time to time as appropriate.
	N24	The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
	N25	If the noise limiting device breaks Torbay Council's Environmental Health Service will be informed as soon as reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.
	N26	No performances of live and recorded music will proceed without the noise limiting device in proper working order.
	N27	All amplified sound sources (including live performances) from the premises will go through a noise limiting device.
	N28	The Premises Licence Holder or nominated person shall control the sound levels of the music/entertainment.
	N29	The Premises Licence Holder or nominated person shall ensure that the noise limiting device is sealed after commissioning, so that sound operators cannot override the system during the performance of live and recorded music.
	N30	A noise limiting device shall be used in relation to all sound amplification equipment used in line with the following:  (i) The noise limiting device shall be kept at the settings approved by the Council through an authorised officer of the Torbay Council's Environmental Health Team on (Date)  (ii) The noise limiting device shall be properly secured so that it cannot be tampered with  (iii) The noise limiting device shall only be reset with the authority of Torbay Council through an authorised officer of Torbay Council Council's Environmental Health Team  (iv) If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised

		officer of the Torbay Council's Environmental Health Team within (insert) days of notification.
17. Doors, Windows, & Lobbies	N31	All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.
	N32	All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when doors have been opened.
	N33	Customers shall not enter or leave the premises from/by (insert specific entrances or exits) except in the event of an emergency/
	N34	An (acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer) must be installed (specify the location / define on plan).
	N35	All external doors and windows shall be maintained in good order.
	N36	All external doors and windows shall be acoustically glazed or suitably insulated to minimise noise breakout from the premises. (Details of any such works will be specified to Torbay Council's Environmental Health Team.)
	N37	Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all external windows and doors are shut.
	N38	The entrance/exit door(s) shall be fitted with a suitably constructed lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.
	N39	Staff shall check that self-closing doors are not wedged open during regulated entertainment.
18. Noise Monitoring	N40	<p>While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including:</p> <ul style="list-style-type: none"> <li>- the date, time and location of the monitoring</li> <li>- the name of the person monitoring</li> <li>- any action taken</li> </ul> <p>Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.</p>
	N41	Observations in the vicinity of the properties at (insert location), on at least (insert time period e.g. hourly) intervals between (insert) and (insert) whilst live music, karaoke or DJ's playing recorded



		<p>music is taking place will be undertaken to establish whether there is a noise breakout from the premises.</p> <p>(i) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.</p> <p>(ii) A record of such observations shall be kept in a log for that purpose, the log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break-out and any action taken to reduce noise breakout.</p> <p>(iii) Such records must be made available for inspection and copying at all times upon request to an authorised officer of a responsible authority.</p>
	N42	<p>After (insert) hours noise levels in outside areas will be monitored and controlled to minimise any potential impact on local residents. Customers will be advised of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.</p>
One - Off Events	OFF1	<p>The Organiser shall appoint a suitably qualified and experienced noise control consultant approved by the Council through an authorised officer of the Public Protection Service no later than (Insert) weeks prior to the event. The noise control consultant shall liaise between all parties including the promoter and sound engineer and the licensing authority etc on all matters relating to noise control prior to and during the event. The consultant must be experienced in noise propagation and control, particularly from music events.</p>
	OFF2	<p>The control limits set at the mixer position shall be adequate to ensure that Music Noise Level (MNL) shall not exceed LAeq (15 mins) of (insert) over a 15-minute period at the nearest noise sensitive premises throughout the duration of the event.</p>
	OFF3	<p>A noise propagation test shall be undertaken at a time to be agreed prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event.</p>
	OFF4	<p>The organiser shall ensure that the promoter, sound supplier and all individual sound engineers are informed of the sound control limits.</p>
	OFF5	<p>A logging noise level meter shall remain at the mixing desk so that the noise consultant and sound engineers can ensure that the predetermined noise levels are not exceeded. The results of the</p>

		monitoring shall be provided to the licensing authority within 10 working days following the event.
	OFF6	During the events, the noise consultant shall monitor noise levels at (insert) and at any other sites deemed necessary by the Council during the event.
	OFF7	The consultant shall be able to contact the mixer desk and advise the sound engineer accordingly to ensure that the licensing authority can contact the consultant and sound engineer throughout the events and during the sound checks. The results of the monitoring shall be provided to the licensing authority within 10 working days following the event.
	OFF8	The exact times of all sound checks and performances shall be submitted to and approved by the licensing authority no later than 10 working days before the events. In order to prevent disturbance to the occupiers of (insert) no sound checks shall be carried out before (insert) hours.
	OFF9	Details of the time, date and duration of set up and dismantling of the stage and other associated noise generating activities (refuse disposal, provision and emptying of toilets, generators etc) outside the times of the performances shall be submitted to and approved by the Licensing Authority no later than 10 working days before the events.
	OFF10	All local residents likely to be affected by noise from the event shall be informed in writing as to:  (i) The exact times of all performances and sound checks.  (ii) A contact name and telephone number should they wish to make a complaint of noise.
	OFF11	The occupiers of premises, detailed below, shall be informed in writing, no later than 10 days before the event of the exact times that the event will operate and a contact name and telephone number should they wish to make a complaint of noise. (insert addresses)
	OFF12	Whilst the event is being held, the licensee, event organiser or other competent person shall carry out observations in the immediate area around the event, to assess the level of noise. Should such observations confirm that noise is disturbing to the occupiers of premises in the vicinity, then appropriate steps shall be taken to control noise levels in order to prevent disturbance to local residents.
	OFF13	Orientation of speakers will be positioned so that all sound is directed away from residential properties and towards (insert).
	OFF14	Stage construction/removal or any similar construction activities shall not be permitted between the hours of 10:00 and 08:00.

19. Smoking Areas	SM1	A designated and de-lined smoking area will be allocated outside the premises.
	SM2	Suitable receptacles will be provided for cigarette litter within the designated smoking area.
	SM3	The smoking area shall be regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.
	SM4	The designated smoking area shall be for 'smoking only' and reasonable steps will be taken to prevent the consumption of any drinks in this area.
	SM5	Steps shall be taken ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
	SM6	Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
	SM7	Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as (specify location / mark on plan). No more than (insert number) of customers will be permitted to remain in the designated smoking area at any one time.
	SM8	<p>The following conditions apply to the management of smoking areas within curtilage of the premises (select from the following):</p> <p>SIA licensed door supervisors and CCTV must adequately monitor the area to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is controlled.</p> <p>Patrons must not be allowed to take drinks into the smoking area.</p> <p>The area must be provided with an adequate number of suitable ashtrays/bins, the use of which must be monitored by door staff.</p> <p>The area must be regularly swept to remove cigarette ends.</p> <p>Arrangements must be made to prevent overcrowding or disorder on the (insert location), particularly if patrons exiting towards the smoking area whilst others are queuing for entrance in/on the (insert location).</p> <p>A safety netting, mesh or screen (of a gauge that satisfies the enclosed space requirements as specified within the smoking legislation), shall be fitted and maintained in order to prevent objects being passed from the outside into the smoking area.</p> <p>Any bottle or bin stores located near an external smoking facility shall be enclosed and secured.</p>

		<p>There shall be no furniture in the outside areas, with the exception of the appropriate wall mounted receptacles for tobacco waste materials.</p> <p>The smoking area shall be thoroughly cleaned, provided with adequate lighting and painted so as to clearly designate this area as the smoking area.</p> <p>Staff shall be instructed to clean the smoking area and adjacent pavements of smoking-related litter before and after each period of use.</p>
	SM9	The smoking area shall be permanently monitored by SIA licensed door supervisors during opening hours. The number of patrons in this area will not exceed (insert occupancy number) persons; and shall be monitored with (insert method of monitoring occupancy number) from a position (insert positions from which monitoring is to take place).
20. Restrictions on Outside Areas	OA1	Any outdoor areas to (the front/rear of) the premises must not be used by customers or staff after (insert) hours.
	OA2	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (insert number) persons at any one time.
	OA3	The (insert name of area i.e. beer garden, upper patio, etc.) shall only be open to customers (insert days) from (insert commencement time) until (insert end time). Clear and legible notices shall be prominently displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
	OA4	All outside areas must be closed and cleared of customers by (insert) hours. Adequate notices shall be displayed to inform patrons of this requirement.
	OA5	After (insert) hours a SIA licensed door supervisor will be permanently placed in the (insert) area to monitor customers and prevent noise disturbance.
	OA6	After (insert) hours the capacity in the outside rear area is limited to (insert) persons.
21. Taxi Provision	T1	Where a specific taxi operator has been nominated for customers use the company's telephone number will be advertised to customers. The operator will be advised that drivers should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily.
22. Deliveries & Handling of equipment	H1	The handling of kegs, bottles, cleaning equipment, (specify other) shall not take place before (insert) hours or after (insert) hours.
	H2	No deliveries (in relation to licensable activities) to the premises shall take place between (insert) hours and (insert) hours.

23. Reports & Schemes	R1	A detailed scheme of sound insulation works shall be submitted to and approved in writing by Torbay Council's Environmental Health Team. The approved details shall be implemented in full prior to the commencement of the premises licence/club premises certificate* (delete as appropriate).
	R2	A report shall be submitted detailing and recommending a scheme of sound insulation works for the separating structure between the licensed premises and the (adjacent) residential use (above). The report shall consider: the potential for noise breakout from the building and the volume and nature of the music likely to be desired by the premises. The report shall be approved in writing by Torbay Council's Environmental Health Team. All recommended works shall be completed prior to the commencement of the premises licence/club premises certificate* (delete as appropriate).
	R3	A report shall be submitted detailing the potential for noise from specify: (amplified music) (refrigeration) (heating) (ventilation) (air conditioning plant) (other)* delete as appropriate at the premises from affecting neighbouring noise sensitive properties at (insert address). If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then the report shall include a detailed scheme of noise mitigation measures. The report shall be approved in writing by Torbay Council's Environmental Health Team. All recommended works shall be completed prior to the commencement of the premises licence/club premises certificate* (delete as appropriate).
24. Litter & Waste	L1	All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.
	L2	No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway or street furniture, or upon any building, structure, works, tree etc. not in the ownership or control of the Premises Licence Holder, or be distributed to the public.
	L3	All waste shall be properly presented and placed out for collection. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (insert) hours and (insert) hours on the following day.
	L4	During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area immediately outside the premises (from building to edge of kerb *adjust as appropriate). This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

	L5	No collections of waste or recycling materials (including bottles) from the premises shall take place between (insert) hours and (insert) hours on the following day.
	L6	Sufficient measures must be in place to remove litter or waste arising from customers and to prevent such litter/waste accumulating in the immediate vicinity of their premises. Where necessary adequate measures must be in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.
	L7	A sufficient number of suitable receptacles must be located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.
	L8	All packaging provided with takeaway food must be marked in some way as to show its point of origin.
	L9	Where a mobile unit is regularly removed from site, steps must be taken to ensure that site is thoroughly cleaned and that any accumulations, surface grease etc. is properly cleansed and removed from the site.
25. Lighting	L10	The use of lighting in (specify area) shall cease at (insert) hours except for health and safety or security reasons.
	L11	The windows and other glazed areas shall be fitted with heavy duty curtains or similar to prevent light breakout from strobe or other flashing lights equipment.
26. Fumes, Steam & Odours	L12	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
	L13	Ventilation equipment will be regularly cleaned and maintained to control the levels of odour generated by the premises.
<b>Conditions relating to public safety</b>		
27. Occupancy/ Capacity Limits	S1	No licensable activities shall take at the premises until the capacity of the premises has been determined by the Premises Licence Holder and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
	S2	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed (number).
	S3	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed (number), subject to the following maximum occupancies:

		<p>For example</p> <p>[First Floor] [number] persons</p> <p>[Ground Floor] [number] persons</p> <p>[Basement] [number] persons</p>
	S4	Seating for no less than (insert number) persons shall be provided in the premises at all times the premises are in operation.
	S5	Seating for no less than (insert) % of the maximum occupancy shall be provided in the premises at all times the premises are in operation.
	S6	The Premises Licence Holder or nominated person shall ensure that the accommodation limit(s) specified on the licence is/are not exceeded and shall be aware of the number of the people on the premises at all reasonable times. This information shall be immediately available on the request of an authorised officer of a responsible authority.
	S7	A suitable system must be in place to accurately indicate the number of customers (including staff, entertainers etc.) on the premises at any time.
	S8	Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.
	S9	<p>Manual and automatic electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public.</p> <p>The number of persons permitted in the premises at any one-time (including staff) shall not exceed (X) persons.</p>
28. Sanitary Facilities	S10	In respect of temporary sanitary facilities, the servicing of sanitary accommodation must take place on a continuous basis throughout the event to ensure the sanitary accommodation is kept in a usable condition at all times when the public require it to be available.
	S11	In respect of temporary sanitary facilities, the removal of sewage must take place hygienically and appropriately at the conclusion of the event or as required.
29. Lighting	S12	In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.
30. Air Conditioning	S13	A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment. (The purpose of this condition is to maintain a reasonable internal air temperature so as to avoid patrons or staff opening windows and doors to ventilate the

		premises. Additional conditions are in place to prevent the opening of windows and doors to minimise noise breakout).
31. Queuing	S14	Barriers /guards will be available where queues for entry can be envisaged. These must be arranged so as to control patrons, keep the pavements clear, and ensure that queues do not impact on means of escape in case of fire.
	S15	Queuing outside the premises shall be restricted to a designated area located at (specify location).
	S16	Door supervisors will be properly briefed and trained to manage queues in a safe and efficient manner.
32. Glassware & Bottles	S17	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers.
	S18	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers from the (specify areas).
	S19	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers during the following events or occasions (enter specified events).
	S20	After 2300 hrs no alcohol will be sold or supplied in glass bottles from which it is intended or likely that a person will drink.
	S21	No drinking vessel, glass or bottle may be taken from the premises.
	S22	No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public.
	S23	The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
	S24	Bottle bins shall be provided at the exit doors and staff shall take steps to prevent bottles and glasses being taken from the premises.
	S25	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
<b>Conditions relating to the protection of children from harm</b>		
33. Proof of Age Scheme	C1	All bar staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack (or equivalent), prior to undertaking the sale of alcohol and then at least every (insert) months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The



		documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.
	C2	<p>The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification i.e.</p> <ul style="list-style-type: none"> <li>▪ A photo driving licence</li> <li>▪ A passport</li> <li>▪ An identification card carrying the PASS hologram</li> </ul> <p>Unless such identification is produced the sale of alcohol must be refused.</p>
	C3	The premises shall display prominent signage indicating (at any point of sale/ at the entrance to the premises/ in all areas where alcohol is located) * (delete as appropriate) that a Challenge 25 scheme is in operation.
34. Refusals Register	C4	<p>An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:</p> <ul style="list-style-type: none"> <li>▪ the date and time of refusal</li> <li>▪ the reason for refusal</li> <li>▪ details of the person refusing the sale</li> <li>▪ description of the customer</li> <li>▪ any other relevant observations.</li> </ul> <p>The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.</p> <p>All entries must be made within 24 hours of the refusal.</p>
35. Unaccompanied Children	C5	Unaccompanied children (under insert age) will not be allowed upon the premises at any time.
	C6	Accompanied children (under insert age) will only be allowed to remain on the premises between (insert) hours and (insert) hours.
	C7	No person under the age of (insert age) years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied
36. Till Prompt System	C8	All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
37. Films	C9	Notwithstanding the mandatory condition imposed by Section 20 of the Licensing Act 2003 (above) the exhibition of films pursuant to this licence/certificate* delete as appropriate will be restricted to

		films that have been classified as Universal (U) or Parental Guidance (PG) by the designated film classification body.
38. Nudity and Sexual Entertainment	C10	(Other than in hotel bedrooms) there shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
	C11	<p>No person under the age of 18 will be permitted to enter or remain on the premises when any “specified activity “is taking place. Specified activities are:</p> <p style="padding-left: 40px;">Any live performance; or Any live display of nudity; Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose or sexually stimulating any member of the audience (whether by verbal or other means).</p> <p>Display of nudity means:</p> <p style="padding-left: 40px;">In the case of a women, exposure to her nipples, pubic area, genitals or anus; and In the case of a man, exposure to his pubic area, genitals or anus.</p>
	C12	When any specified activity (as defined in condition C11) is taking place, all windows and doors of the premises which would allow those outside to see inside where the activity is to take place, must be blocked out.
<b>Conditions relating to online sales of alcohol</b>		
39. Ordering	O1	Alcohol can only be ordered for delivery to a residential or business address and not to a public place.
	O2	Alcohol can only be ordered for delivery to the person placing the order.
	O3	Full address details, including postcode, must be given when placing an online order for alcohol.
	O4	At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
	O5	Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and

		that it is also an offence to purchase alcohol on behalf of a person under 18.
	O6	All licence conditions pertaining to the online sale of alcohol must be part of the 'Terms and Conditions' which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances.
40. Delivery	O7	Delivery times for delivery of online orders of alcohol will be restricted between the following hours (insert hours).
	O8	Drivers will not deliver alcohol to any person anywhere other than at the residential address given when the order was placed.
	O9	Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card (if used).
	O10	Alcohol delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
	O11	If a delivery driver considers the recipient of alcohol to appear under 25, recognised photographic identification (refer to mandatory conditions) will be requested and must be provided evidencing the recipient to be at least 18 years of age before any alcohol is handed over.
	O12	Alcohol delivery will be refused if the delivery driver believes that the alcohol was purchased on behalf of another person who is not 18 years or older.
	O13	When executing a delivery of alcohol only pre-ordered alcohol may be carried by the delivery vehicle.
41. General	O14	All alcohol delivery drivers will be 18 years or over.
	O15	All alcohol deliveries must be recorded contemporaneously by the driver in a legible log (kept at the premises for 12 months and available for inspection and copying on request of an authorised officer of a responsible authority) to contain:  Name and address of person placing an order for alcohol Full delivery address Time and date alcohol delivered Signature of the person taking delivery of alcohol Form of proof of age (where applicable) If delivery refused, basis for refusal Delivery person's name and signature

	O16	A refusal/incident/accident book(s) must be kept at the licensed premises and in each delivery vehicle.
	O17	<p>Training surrounding the procedures for online alcohol orders and alcohol deliveries will be undertaken.</p> <p>Training shall be recorded in documentary form and shall be regularly refreshed at no greater than (insert) intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.</p> <p>Training records will be retained for at least 12 months.</p>
	O18	Drivers of alcohol delivery vehicles must be instructed on noise minimisation.
	O19	The number of vehicles utilised for delivery of online orders of alcohol will be restricted to a maximum number of (insert).
	O20	<p>No cash sales for alcohol purchased by an online method will be made.</p> <p>OR</p> <p>Cash orders for alcohol ordered by an online method will be limited to a maximum of £50 per order.</p> <p>Alcohol delivery drivers will make only one delivery per trip. Having made a delivery, the driver will return to (insert location). This will ensure that the driver never has more than £50 cash at any time.</p> <p>Cash will be put into the glove/fixe security box of the delivery vehicle which will be locked by a key.</p> <p>The driver will take a photo of the customer's photo ID on all cash transactions. A record of the photos will be kept on a computer database.</p> <p>Terms and conditions will state that a picture will be taken of the ID provided on cash payments only and that there will be full compliance with the Data Protection Act (or subsequent relevant legislation).</p>

## General Conditions

42. Night time hatches	G1	<p>The sale and supply of alcohol between 2300 hrs and 0600 hrs shall be restricted to service by staff through the night pay window.</p> <p>The entrance door to the premises will be closed and customers prevented access to the premises between 2300 hrs and 0600 hrs.</p> <p>The main door to the premises will be fitted with an electronic locking device to be operated by staff when required between 2300 hrs and 0600 hrs, when the premises is open for licensable activities.</p> <p>In addition, it is to be noted that there will always be a minimum of two members of staff on duty between the hours of 2300 and 0600 hours.</p> <p>There will be no display of self-service alcohol within 2 metres of the store entrance.</p>
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