



Guidance on Meeting the Licensing Objectives and writing the Operating Schedule

The purpose of this document is to provide you with information and guidance to help you meet the licensing objectives and write your operating schedule. The four Licensing Objectives are covered in sections A to D. Sections E and F cover additional requirements for qualifying clubs and late night refreshments.

Section A	The prevention of crime and disorder
Section B	The promotion of public safety
Section C	The prevention of public nuisance
Section D	The protection of children from harm
Section E	General conditions for qualifying clubs
Section F	General conditions for Late Night Refreshment Premises

The following is for guidance only.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

It is important that any Operating Schedule reflects the measures that an individual will have in place to address the four licensing objectives. A lack of information is likely to result in the application being refused. It is therefore

strongly recommended, to help the applicant, the responsible authorities (e.g. Police, Environmental Health), and the Licensing Authority that advice is sort before the application is submitted.

As part of the application process, the applicant will send each of the responsible authorities a copy of the application. Once the application is accepted by the Licensing Authority, then each of the responsible authorities can comment upon the operating schedule. Those comments are forwarded to the Licensing Authority.

Any representations made will be put before the licensing committee for their consideration, and they will have the power to put these as conditions on your licence, if it is deemed necessary and proportional. There will be an appeal process to the Court for not only the applicant but also by an Interested Party or a Responsible Authority.

If you have any questions relating to this document or would like further advice on its content then please feel free to contact, in the first instance the Licensing Team in Environmental Health and Consumer Protection on 01803 208120.

Within the Licensing Act 2003 there is also a statutory requirement for the Licensing Authority to impose certain Statutory Conditions to a Premises Licence. There is no need to include the mandatory conditions in your operating schedule.

Mandatory conditions

1 Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2 Mandatory condition: exhibition of films

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where-
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section-
 - "children" means persons aged under 18; and
 - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

3 Mandatory condition: door supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

Section A – Prevention of Crime and Disorder

SECTION A - THE PREVENTION OF CRIME AND DISORDER

A1 *General*

A clear and legible notice outside the premises indicating:-

- the normal hours under the terms of the premises license (*or club premises certificate*) during which licensable activities are permitted,
- any restriction on the admission of children at specified times or for particular events or regulated entertainment.

Maximum Occupancy

- A2** The maximum occupancy of the building or venue at any one time will be restricted [*(specify number(s))*] in respect of certain areas, parts or floors as specified by the Fire Authority.
- A3** The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupancy of xx (such number is inclusive of staff and performers working at the premises). This is in agreement with the responsible authorities notably Devon Fire and Rescue and the Health and Safety team based on fire safety issues, available floor space and the sanitary accommodation available.

(Having regards to Table 18 of the Technical Standards for Places of Entertainment or BS6465, Part 1 Sanitary Installations. Occupancy figures in relation to fire safety issues must be agreed in consultation with Devon Fire and Rescue. The floor space per person must also be considered as per approved Document B of the building regulations Table 1.)

- A4** A suitable system to control entry to the premises will be used to count the number of persons entering and leaving the premises, or parts of the premises where appropriate, to ensure that the maximum specified occupancy is not exceeded at any one time. The counting system is sufficiently accurate to inform an authorized person, on request, of the number of persons in the premises or part of the premises as appropriate.
- A5** We will employ an appropriate method for checking the number of people entering and leaving the premises and ensure that steps are taken so that, once the maximum occupancy is reached, no further persons are admitted. The method employed is

(Clickers to count in and out will be acceptable as will limiting numbers by

ticket sales, however in larger venues an electronic method of counting in and out should be employed.)

Orderly Conduct

- A6** As far as is practical, that persons on or leaving the Premises and using adjacent car parks and highways will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
- A7** Clear and conspicuous notices warning of potential criminal activity (*specify*) within the premises that may target patrons of the premises will be displayed.
- A8** As a late night refreshment premises, custom will not be sought by means of personal solicitation outside or in the vicinity of the premise.

Security

- A9** CCTV capable of covering both inside and outside the premises in positions agreed with both the Council and the Police will be provided to enhance the safety of patrons and staff where deemed appropriate. This should be considered where there is a history of violence or if there are areas which cannot be easily supervised by staff. All cameras must be maintained in good working order and must continually record and the tapes must be securely retained for a minimum of 14 days.
- A10** Sufficient numbers of door staff/stewards who are suitably trained will be provided on the premises, depending on the activities or entertainment taking place on site and the likelihood of overcrowding. Door staff will need to be licensed with the Security Industry Authority.
- A11** A register of all staff, including door supervisors, who are working at the premises whilst the public is present will be maintained. Any person employed or engaged on the premises in a security activity such as the vetting of customers and/or the maintenance of public order at either any entrance to the premises or any part within shall hold the appropriate Security Industry Authority accreditation.
- A12** When on duty every attendant shall wear a uniform, distinctive dress or armband and no person under the age of sixteen shall be employed as

an attendant on the premises.

- A13** Effective two-way communication such as a text/ radio pager link, or via Night Net, between the designated premises supervisor or their representative and the Police and other clubs or licensed premises in the locality is provided. The equipment/system will be kept in working order at all times that the premises are open to the public ensuring that all instances of crime and disorder are reported to an agreed police contact point and any police instructions/ directions must be complied with whenever given.
- A14** As a premises within the Councils defined cumulative impact area, I have night net radio, CCTV and SIA licensed door supervisors.
- A15** The ----- area has been identified to search entrants. A management scheme is in place to ensure the search is operated in accordance with the recommendations of the "Safer Clubbing Guide." Under no circumstances will any search take place in view of any other person who is not a personal license holder or other employee. Where necessary, appropriate metal detection equipment will be used in searches. A female supervisor will be available for searches that might be conducted on female customers.
- A16** CCTV tapes will be retained at the premises for a minimum of 14 days, and be made available to the police, where the police demand them to be of evidential value.

Drugs Policy

- A17** A written drugs policy is in force at the premises with the objective of securing, as far as reasonably practicable, the safety of patrons and others attending the premises.
- A18** A secure drug deposit box of a type approved by Devon & Cornwall Police for the safe storage and containment of any drugs found or seized on the premises is located on the premises.
- A19** A hardbound drugs register is maintained in accordance with guidelines laid down by Devon & Cornwall Police.

Supply of alcohol

- A20** The provision of plastic glass and bottles will be provided depending on the type of entertainment provided, and the number and behaviour of patrons.

(The Police are also likely to comment on the requirement of plastic glass and therefore you may wish to consult them. The history of the premises and size should also be taken into consideration.)

- A21** All drinking glasses in which drinks are served shall be made of plastic or toughened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink. Drinks, whether in drinking glasses or in opened bottles, may not be removed from the premises. All glasses must be correctly stamped in accordance with Weights and Measures Legislation.

- A22** As a premises with a Pavement Café Licence, in the designated area, I will ensure that patrons will be sat at tables and no alcohol will be served in glasses (other than shatterproof or plastic glasses), or in glass bottles which it is intended or likely that a person shall drink.

- A23** To prevent the sale of alcohol to persons under the age of 18 years suitable written proof of age from young people attempting to purchase alcohol, in accordance with documents specified by Torbay Council's "Statement of Licensing Policy".

- A24** Bar staff will be suitably trained to prevent the sale of alcohol to under 18's.

- A25** Regular glass and bottle collection will be undertaken throughout the premises.

- A26** Only plastic glasses or bottles will be permitted to be taken into children's play areas, beer garden and recreational areas. Due to the vulnerability of children and the activities which take place in these areas glasses must be kept out.

- A27** Patrons will not be permitted to leave the premises with any glass or bottles which belong to the premises.

Sale of Cigarettes

- A28** Cigarette machines – are under the supervision of the management. Cigarettes will not be sold to anyone under 16. A notice to this effect is displayed.

No Drinking Zones

- A29** As a premises adjacent to a “no drinking zone” specified by the Council, the licencees will take steps in the form of advertising to their patrons on exit, that they are entering a “No Drinking Zone”.

Section B – The Promotion of Public Safety

Where adequate provision is not made for public safety in existing legislation the Licensing Authority may seek to impose conditions to provide for the safety of the public. Anyone preparing an operating schedule may seek advice from Devon Fire & Rescue Service and from the Councils Building Control Officers or Health & Safety at Work Inspectors.

General

- B1** A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by Statute, and information compiled to comply with any public safety condition attached to the premises license that requires the recording of such information. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- B2** Adequate access is provided for emergency vehicles.
- B3** Where patrons wait in a queue for admission, all reasonable steps will be taken to ensure that such persons do not obstruct exits, yards, passageways, stairways and ramps leading to the outside of the premises.

Barriers will be provided to control queuing patrons to prevent crushing. Portable barriers/guards will be available where queues for entry can be envisaged. These should be arranged so as to control patrons and keep the pavements clear.

- B4** All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.

Dancing

- B5** Where the licence permits the provision of dancing, a suitable and clearly identifiable single area is available for this purpose. The minimum area to be set aside shall be four square metres where the License permits a maximum capacity of between 1 and 99 people, six square metres where the License permits a maximum capacity between 100 and 199 people and nine square metres where the License permits a maximum capacity of over 200.

- B6** An area separate from the main dance area with:-

- adequate seating and,
- suitable means of providing cool air (either by air conditioning or ventilation to the external air and,
- so far as is practicable, respite from high levels of noise is provided.

- B7** Cold drinking water is available at the bar and a notice of the availability is prominently displayed at suitable locations within the premises.

First Aid

- B8** At least one qualified first-aider will be present on the premises during the whole time the premises are made available for regulated entertainment. If more than one suitably qualified first- aider is required (*specify*) then their respective duties must be clearly defined.

- B9** The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept within a logbook.

- B10** Facilities and equipment suitable for the number of patrons and the type of event undertaken are provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.

Gangways, Stairways and Fastenings

- B11** Persons must not be allowed to stand, sit or otherwise remain in any gangway or exit way.
- B12** Curtains will not be hung across gangways, exit ways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
- B13** All rope barriers across gangways, exit ways and stairways are fitted with automatic catches or slip connections and shall be so fixed as to not trail on the floor when parted.
- B14** All doors and fastenings will at all times be kept in proper working order. Gangways, exit routes and steps will be maintained in good order with non-slippery and even surfaces.

Seating and Standing

- B15** All parts of the premises that are regularly or exclusively used for a closely seated audience, have seats which are securely fixed to the floor.
- B16** In any part of the premises not regularly used by a closely seated audience, chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There will be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row that flank the gangways to be securely fastened to the floor.
- B17** No fixed seat will be more than 4 metres from a gangway.
- B18** Where any entertainment involving a closely seated audience is

provided, seats must be allocated by row and seat number. A copy of the seating plans shall be kept readily available at the premises and shall be shown upon request.

- B19** The seating will at all times ensure free unobstructed access to all exit doors.

Lighting

- B20** All parts of the premises will be adequately illuminated and those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.

- B21** In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.

- B22** In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.

- B23** Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for “safe escape” of the public in an emergency.

- B24** When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.

- B25** No illuminate other than an electric light shall be employed upon the stage, in the stage basement, or stores.

Ventilation

- B26** The air management system within the premises will be used during entertainment, as there will be insufficient ventilation when all windows and doors are closed to prevent noise breakout.

(Consideration should be given to mechanical ventilation, air purification systems, air conditioning. The system must have sufficient capacity for the volume of premises it services. Approved Document F of the building regulations gives a figure of 16 litter/second per person. Regard must also be had for the potential for noise nuisance.)

Fire Precautions

- B27** No explosive or highly inflammable material shall be brought into the premises and no cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
- B28** Smoking is prohibited within any stage area and dressing rooms and notices are prominently displayed to this effect.
- B29** Pyrotechnics will not be used other than on a stage that is capable of being separated from the public by a fire-resisting curtain. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.
- B30** Smoke machines (and similar vapour producing apparatus) will:-
- (i) limit the amount of smoke/vapour to the minimum necessary for the desired effect and will not impede means of escape or obscure exit signs.
 - (ii) the machines will be in a fixed position and protected against unauthorised interference and be manned by or readily accessible to a competent operator at all times when it is in use.
 - (iii) Only non-toxic and non-flammable smoke/vapour will be used.
 - (iv) Be limited to areas where the public are admitted.

Structure and suitability

- B31** No work in connection with any alterations or repairs in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.

Special Risk Entertainment

General

B32 No entertainment shall be provided in any part of the premises consisting of or involving:-

- Hypnotism (as defined by the Hypnotism Act 1952);
- Striptease, lap dancing or any similar performance;
- The installation of strobe or laser equipment;
- The use of special effects such as pyrotechnics, or the introduction to any area occupied by the public of naked flame or smoke, vapour, liquid, foam or novelty foodstuff;
- The use of any temporary structure or staged area.

B33 Lasers will not be used on the premises without prior consultation with the Licensing Authority and compliance with HS(G) 95.

(Laser, if not installed correctly, poses a significant risk of fire and permanent damage to staff/patrons sight and should only be installed by competent persons as per HS(G)95.)

Hypnosis

B34 With regard to a performance involving hypnotism, in all cases, contain the following particulars: -

- (1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called “the hypnotist”);
- (2) a description of the proposed exhibition, demonstration or performance; and
- (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.

The following conditions shall apply to any consent given for a hypnotism display:-

- (1) No exhibition, demonstration or performance shall be held whereby:
 - harm is caused or is likely to be caused to any person

- attending it,
- any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition,
 - there is the giving of hypnotherapy or any other form of treatment,
 - there is any experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called “catalepsy”) or
 - there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.
- (2) All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
- (3) The exhibition shall conform to the description submitted to the Council unless the Council has required or expressly authorised a modification.
- (4) Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.
- (5) No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
- (6) No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the hypnotising

of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

Striptease, Lap Dancing or Similar Entertainment

B35 The following details shall apply in relation to any consent given for a performance of striptease, lap dancing or similar entertainment: -

- a. activities that may take place
 - b. the times during which such activities may take place
 - c. designated areas where those activities may take place;
- and
- d. arrangements for restricted access to the dressing room, which shall be maintained at all times whilst the agreed activities are taking place and until such time as all performers using the dressing room have vacated it.

The agreed activities shall only be given by the performers and no audience participation shall be permitted.

Performers shall be aged not less than 18 years.

Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed premises as has been agreed.

Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed onto that part of the premises and a clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:-

“No person under 18 years will be admitted”

The display outside of the premises of photographs or other images that indicate or suggest that striptease or similar entertainment takes place on the premises and which may be offensive.

Indoor Sports Entertainment

B36 An appropriately qualified medical practitioner will be present throughout a sports entertainment involving boxing, wrestling, judo,

karate or other sports entertainment of a similar nature.

B37 At any wrestling or other entertainment of a similar nature, members of the public do not occupy any seat within 2.5 metres of the ring.

B38 Where a ring is involved, it will be constructed and supported to the nationally recognised standard and any material used to form the skirt around the ring is flame-retardant.

Cinemas

A number of the above pool of conditions will be relevant to Cinemas and Theatres but the following are additional public safety conditions that may be drawn upon.

B39 Film Exhibitions without a staff alerting system - Number of Attendants

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below: -

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

B40 Film Exhibitions with a staff alerting system- Number of Attendants.

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below: -

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 –1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

Staff will not be considered as being available to assist in the event of an emergency if they are: -

- (i) the holder of the premises license or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

Attendants will as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

The staff alerting system shall be maintained in working order.

Advertisements not to be Displayed

B41 Where Torbay Council have given notice in writing to the licensee of the premises objecting to any advertisements on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite a crime or lead to disorder or be offensive to the

public, that advertisement shall not be displayed without the written consent of Torbay Council, and any conditions of such permission shall be complied with.

Prohibition of Film Exhibitions

B42 Where Torbay Council have given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the grounds that it contains matter which if exhibited, would offend against good taste or decency or be likely to encourage or incite a crime or lead to disorder or be offensive to the public, that film shall not be exhibited without the written consent of Torbay Council and any conditions of such permission shall be complied with.

Film Reclassification

B43 If Torbay Council do not agree with the category in which the films have been passed by the British Board of Film Classification is placed, they shall be at liberty to alter such category, and, on notice of such alteration being given to the licensee the film shall be treated as having been placed in the altered category and conditions appertaining to the altered classification shall be complied with.

Exhibition of Moving Picture to Local Authority

B44 If Torbay Council request that the licensee exhibit to them, any film he shall do so at such reasonable time as the licensing authority requests.

Theatres

Attendants for closely seated audiences

B45 The number of attendants on each floor in a closely seated auditorium should be as set out on the table below: -

Number of members of the audience Present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two

251 – 500	Three
501 – 750	Four
751 –1000	Five
1001 and above	one additional attendant for each additional 250 persons (or part thereof)

- B46** Attendants will not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- B47** Any attendant will be readily identifiable to the audience (but this need not entail the wearing of a uniform)
- B48** The premises will not be used for a closely seated audience except in accordance with seating plan(s), a copy of which must be available at the premises and shall be shown to any authorised person on request.
- B49** No article will be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- B50** A copy of any certificate relating to the design, construction and loading of any temporary seating will be kept available at the premises and shall be shown to any authorised person on request.
- B51** Safety curtains, where fitted, will:
- (a) be of a non-inflammable material,
 - (b) be maintained in good condition,
 - (c) be kept free from obstruction at all times, and
 - (d) have the words “SAFETY CURTAIN”, which shall be visible to the public, displayed on them.
- B52** The operation of safety curtains will be tested immediately before each performance.
- B53** If no safety curtain is fitted, any curtains used to separate the stage area from the auditorium shall have fire retardant qualities and the operating mechanism for the curtains shall be maintained in good working order.

B54 No scenery or props will be kept on the auditorium side of the safety curtain or other curtain used to separate the stage area from the auditorium.

B55 Smoking is strictly prohibited within any stage area, other than as part of the action of a stage performance, and notices prohibiting smoking shall be prominently displayed at locations.

B56 No glasses, crockery or cutlery will be in the auditorium whilst any stage play is taking place.

Standing and Sitting in Gangways etc

B57 (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

(c) In no circumstances shall anyone be permitted to-

(i) sit in any gangway

(ii) stand or sit in front of any exit; or

(iii) stand or sit on any staircase including any landings.

Drinks

B58 Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

B59 Clothing or other objects will not be placed over balcony rails or upon balcony fronts.

Scenery

B60 Any scenery will be maintained and be flame-retardant.

Special effects

- B61** Any special effects or mechanical installation will be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

Dry ice machines and cryogenic fog

Smoke machines and fog generators

Pyrotechnics, including fireworks

Real flame

Firearms

Motor vehicles

Strobe lighting

Lasers (see HSE Guide The Radiation Safety of lasers used for display

purposes [HS(G)95] and BS EN 60825: Safety of laser products)

Explosives and highly flammable substances

Seating

- B62** Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises providing regulated Sports entertainment

- B63** Any structure to be used in connection with the sports entertainment will be:

(a) appropriately installed;

(b) appropriately constructed;

(c) constructed of non-inflammable materials;

(d) sufficiently stable; and

(e) positioned so that no member of the public occupies any seat within 2.5 metres of it.

- B64** All barriers will be erected in such positions and be of such construction as specified in writing by the Council.

B65 No glasses, crockery or cutlery will be permitted in the auditorium whilst any sports entertainment is taking place.

Disabled People

B66 When disabled people are present on the premises adequate arrangements will be in place to enable their safe evacuation in the event of an emergency and disabled persons on the premises must have been made aware of those arrangements..

Section C – The Prevention of Public Nuisance

The Council acknowledges that existing legislation provides some protection to the general public from the effects of noise and other statutory nuisances. However consideration will be given as to what additional measures are required to promote the prevention of public nuisance. The necessity of such measures will depend upon a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, the hours which the premises is open, or certain activities occur and the anticipated clientele of the business involved. Anyone preparing an operating schedule may seek advice from officers in the Environmental Protection Team in Environmental Health and Consumer Protection.

Noise

C1 Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will be applied are

- (i) Before 11pm – Noise emanating from the premises will not be clearly distinguishable above other noise.
- (ii) After 11pm – Noise emanating from the premises will not be distinguishable above background levels of noise.

(iii) The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property

- C2** The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
- C3** Noise levels within the premises resulting from the operation of any musical instrument or amplified equipment will be regulated so as to protect the hearing of any employee therein in accordance with current standards.
- C4** Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- C5** There will be no use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- C6** The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.
- C7** Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- C8** The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- C9** Doors and windows will be kept shut during entertainment. To reduce noise break out. A management scheme will be in place to ensure this situation remains.

(This may have negative effects on levels of ventilation and temperature.)

- C10** Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
- C11** An announcement will be made prior to closing requesting patrons' cooperation in leaving the premises and vicinity as quietly and quickly as possible.
- C12** Door staff will be positioned at exits, particularly at closing times to ensure noise from patrons leaving the premises is minimized.
- C13** Entrances are provided with lobbies with automatic door-closers. The lobbies are in use throughout the time of entertainment.
- C14** A noise limitation device is installed to control the system to which all amplification equipment is fitted. This device will be regularly maintained to ensure that the noise produced within the premises will not be audible within any residential premises in the vicinity.
- C15** The volume of all amplified music will be set at _____ which has been agreed by Torbay Council's Environmental Protection Team. This will be measured from a point 3.5 meters from the façade of the nearest residential premises, or from within, depending on the circumstances that prevail. The settings are secured and capable of amendment only by the manager or personal licence holders following appropriate application to and consultation with the Council.
- C16** A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff will leave as quietly as possible, particularly at night and early in the morning.
- C17** Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
- C18** A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/

entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

Noise from Plant and Machinery

- C19** Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.
- C20** Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
- C21** Regards will be had to BS 4142 rating industrial noise affecting mixed residential and industrial areas and the Institute of Acoustic good practice guide on the control of noise from pubs and clubs.

Delivery/Collection/Storage Activities

- C22** The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
- C23** The delivery of goods is restricted to the following times.....
- C24** Bottle skips and bins containing cans or bottles will not be emptied outside after closing but will be dealt with the next day during normal office hours.
- C25** The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Use of Gardens, Play Areas and Outside Areas

- C26** The use of gardens and external play areas will not commence before the start of normal trading hours and will cease at dusk or at 21.00hours, whichever is the earlier.
- C27** No music or speech will be relayed by external amplified speakers.

Use of Car Parks and Access Roads

- C28** Staff will monitor the use of the car park to ensure patrons do not congregate in this area and cause annoyance.
- C29** CCTV system will be used to monitor the use of the car park to ensure patrons do not congregate in this area and cause annoyance.
- C30** The premises will remain open for at least half an hour after alcohol is served, during which time patrons will be dispersed gradually.

Noxious smells

- C31** Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties and the premises must be properly vented.

Lighting

- C32** Flashing or particularly bright lights on or outside licensed premises will be positioned and screened in such a way so as to not cause a disturbance to nearby properties.
- C33** The use of lighting in gardens and external areas will cease at 21.00hours, except for health and safety or security reasons.

Refuse, litter and waste

- C34** When food for consumption off the premises is sold, adequate waste receptacles for use by patrons will be provided in the local vicinity.
- C35** All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around.
- C36** Facilities for depositing litter and the collection of litter generated by patrons will be available and maintained, where outside areas are provided for the use of patrons.

Operating times

- C38** The time during which the premises are permitted to be open to the public or to members and guests is restricted between the hours of (*specify*) to prevent public nuisance from (*specify*).

Section D – The Protection of Children from Harm

In accordance with Torbay Councils Licensing Policy Statement and statutory guidance, the Council will impose restrictions on the access of children under 18 where licensing activities are being carried on only where it is necessary to protect children from harm. Further assistance can be obtained by contacting the relevant statutory consultees.

Exclusion of children

- D1** In the interests of protecting children from harm, children below the age of (*specify*) shall be excluded from the premises or parts thereof (*specify*) during the times or occasions specified (*specify*).

Film Classification

- D2** No film shall be exhibited unless:
- a) it has received a “U”, “PG”, “12”, “15”, or “18” certificate issued by the British Board of Film Classification, or
 - b) it is a current newsreel, which has not been submitted to the British Board of Film Classification

For the purposes of this licence “film exhibition” means any exhibition of moving pictures produced otherwise than the simultaneous reception and exhibition of:

- a) television programmes, or
- b) programmes included in a cable programme service which is, or does not require to be, licensed under Section 4 of the Cable and Broadcasting Act 1984

c) programmes received via a satellite receiver or other similar receiver.

Age Restrictions

D3 No person under the age of eighteen years will be admitted to any exhibition at which there is to be shown any moving picture which has received an “18” certification from the British Board of Film Classification.

D4 No person under the age of fifteen years will be admitted to any exhibition at which there is to be shown any moving picture which has received an “15” certification from the British Board of Film Classification.

D5 No person under the age of twelve years will be admitted to any exhibition at which there is to be shown any moving picture which has received an “12” certification from the British Board of Film Classification.

Film Censor’s Certificates to be shown

D6 Immediately before the showing of any film passed by the British Board of Film Classification there shall be shown on the screen to which it relates, for at least five seconds and in a form large enough for it to be read from any seat 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.

Advertisements to Indicate the Nature of Certificate

D7 Notices will 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. The notices must bear a clear statement to the effect that: -

“Where a programme includes a film recommended by the British Board of Film Classification as falling into the 12A, 15 or 18 category no person under the age of 12, (and unaccompanied in that case), 15 or under 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."

Performances primarily for children

- D8** During performances principally for child audiences, additional steps will be provided to ensure the safety and well being of children present on the premises.
- D9** An adult member of staff will be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children (*or specify*) or part thereof.
- D10** No child unless accompanied by an adult will be permitted in the front row of any balcony.
- D11** No standing will be permitted in any part of the auditorium during the performance.

Child Performers

- D12** We will comply with Torbay Councils Education Directorate requirements set out in their guidance '*Children in Entertainment*'.

Section E – General Conditions for a Qualifying Club

These conditions are in addition to those, which may be relevant in the previous sections.

- E1** Under the rules of the club persons may not-
- (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- E2** Under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- E3** The club is established and conducted in good faith as a club.
- E4** The club has at least 25 members.
- E5** Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- E6** If alcohol is to be supplied: -
So far as not being managed by the club in general meeting or otherwise by the general body of members the purchase of alcohol for the club, and the supply of alcohol by the club, will be managed by a committee whose members-
- (a) must be members of the club;
 - (b) must have attained the age of 18 years; and
 - (c) have been elected by the members of the club.
- E7** No arrangements maybe made, or maybe intended for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- E8** No arrangements maybe made, or maybe intended, for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from-
- (a) any benefit accruing to the club as a whole, or
 - (b) any benefit which a person derives indirectly by reason of the

supply giving rise or contributing to a general gain from the carrying on of the club.

Section F – Late Night Refreshment

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access. These conditions are in addition to those which may be relevant in the previous sections.

- F1** Suitable signage at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises.
- F2** Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to drive away as quickly as possible and as quietly as possible.
- F3** The movement of bins and rubbish to outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
- F4** All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting/lockable lid, to prevent litter being blown around.
- F5** Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
- F6** CCTV will be provided to enhance the safety of patrons and staff.

(This should be considered where there is a history of violence or if there are areas that cannot be easily supervised by staff.)
- F7** All staff will have received suitable training as to what to do in an emergency and in general safety precautions.

- F8** Barriers will be provided to control queuing patrons to prevent crushing. These will be arranged so as to control patrons and keep the pavements clear.
- F9** A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff are required to leave as quietly as possible, particularly at night and early in the morning. This will help prevent disturbance to local residents from comings and goings from your premises.
- F10** The handling of bottles and other similar items will not take place in the late evening, at night, and during the early morning, particularly outside buildings, to limit the likelihood of nuisance.

Additional requirements for takeaways

- F11** Facilities for depositing litter and the collection of litter generated by patrons will be available and maintained.
- F12** At close of business, all litter attributable to the business which is in the vicinity of the premises will be removed.

Additional requirements for mobile vans

- F13** Facilities for depositing litter and the collection of litter generated by patrons will be available and maintained.
- F15** Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.