



**Melton
Borough
Council**

**MELTON BOROUGH COUNCIL
LICENSING ACT 2003
STATEMENT OF LICENSING POLICY 2017**

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approved by Full Council on?.....

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1. Introduction

Purpose

1.1 This Statement of Licensing Policy explains how the Licensing Authority will carry out its role under The Licensing Act 2003, during the next five years. During this period the Licensing Authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

It will also:

- be used as a guide by members of the Licensing Authority in their decision making;
- inform applicants about how applications will be reviewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

Consultation

1.2 In developing this statement the Licensing Authority has consulted with the groups set out below, and has taken account of their views.

- The police
- The fire authority
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Bodies representing businesses and residents in its area
- Public Health England
- Other groups that the licensing authority considered appropriate.

1.3 List of consultees attached as **Appendix A**.

Licensable Activities

1.4 The licensable activities are:

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- The provision of late night refreshment
- The provision of regulated entertainment.

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoors and outdoors)
- A performance of live music (not incidental music, i.e. a piano in a restaurant)
- Any playing of recorded music
- A performance of dance
- Similar types of entertainment.

Live Music

1.5 The Live music Act 2012 came into force on 1st October 2012.

Its main aim was to relax the licensing burden on those licence holders staging or looking to stage live music at their venue.

It removes the licensing requirements for:

- Amplified live music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises.
- Amplified live music between 8am and 11pm before audiences of no more than 500 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- Unamplified live music between 8am and 11pm in all venues.

It is possible to reinstate or impose conditions about live music following a review of a premises license or club premises certificate authorizing premises to supply alcohol for consumption on the premises.

The Live Music Act also removes licensing requirements for the provision of entertainment facilities.

In addition, it has widened the licensing exemption for music integral to a performance of morris dancing or similar, so that the exemption applies to live or recorded music instead of unamplified live music.

Although the changes to the law and the associated benefits to local musicians and their supporters are to be welcomed there is still a requirement that any music should not be loud enough to cause a nuisance to neighbours.

2. Fundamental Principles

Background

2.1 This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision-making process.

The Licensing Objectives

2.2 The Licensing Authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

- Public safety
- The prevention of crime and disorder
- The prevention of public nuisance; and
- The protection of children from harm, (including child sexual exploitation).

Balance

2.3 The Licensing Authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

2.4 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Licensing Act 2003.

Extent of Control

2.5 Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations.

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual club or business holding the licence, certificate or authorisation concerned. However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimising the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

3. Use of Council's own premises and cultural diversity

- 3.1 There is a provision whereby a local authority can license itself in respect of public places within their community. Where this is done, performance and entertainers have no need to apply for a premises licence, but merely require the permission of the local authority. Such an arrangement would help the local authority to promote cultural diversity. This Council would pursue such a policy. The Council will make the necessary arrangements to ensure that, the officers or Committee will make decisions under this part of the policy, as with all parts, from a strictly neutral and objective standpoint.

4. Consideration of Cumulative Impact

- 4.1 The Licensing Authority recognises that there can be confusion about the difference between "need" and "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub, restaurant, etc. This is not a matter for a licensing authority in discharging the licensing functions or for this statement of licensing policy. "Need" can be a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its licensing committee to consider.
- 4.2 In certain situations the number, type and distribution of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual areas, the Licensing Authority may consider that an area has become saturated. In these circumstances, where representations are made from a responsible authority such as the police or interested party, such as local residents, the Licensing Authority may consider whether the grant of any further premises licences or club premises certificates would undermine one of the licensing objectives. If this is the case it may adopt a special saturation policy, which would allow it to refuse new licences because the area in question is already saturated with licensed premises.
- 4.3 The Licensing Authority recognises, however, that this policy cannot be absolute and it would continue to consider each application properly on its merit and for licences that are unlikely to add significantly to the problems of saturation would be approved.
- 4.4 The Authority in considering whether to adopt a special saturation policy will take the following steps:
- Identification of serious and chronic concern from a responsible authority or representatives or residents about nuisance and disorder
 - Assessment of the causes

- Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area
 - Adopting a special policy, as provided for in this statement, about future licence applications from that area.
- 4.5 The authority will review any special saturation policy every five years in line with a review of this policy statement.
- 4.6 Any special saturation policy will not be used to:
- removing a licence when representations are received about problems with an existing licensed premises;
 - justifying the rejection of modifications to a licence except where those modifications are directly relevant to the policy; and
 - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.
- 4.7 Existing licence holders and applicants should be cognisant of the concern raised by the consultation exercise over the possible saturation of certain areas of the town centre.
- 4.8 The Authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues for instance:
- Planning controls
 - Policy enforcement of the normal law concerning disorder and anti-social behaviour
 - Powers of the Local Authority to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - Prosecution of any personal licence holder or member of staff at premises who is selling alcohol to people who are drunk
 - The confiscation of alcohol from adults and children in designated areas
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Local Authority
 - The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.

5. Current Special Policy on Cumulative Impact

- 5.1 Having had regard to the legislation, guidance, representation from Leicestershire Constabulary and Leicestershire Public Health following the necessary consultation, the Licensing Authority considered that the special policy that currently applies in respect of Melton town centre should be amended to incorporate all licensed premises, including on and off sales of alcohol and late night refreshment, in respect of Melton town centre. For the purposes of this policy the town centre is defined as that bound by Norman Way, Thorpe End, Sherrard Street, Leicester Street and Wilton Road, but also including Burton Street Church Street and Park Lane. Premises fronting these roads are deemed to be within this area.
- 5.2 The Licensing Authority is mindful of the problems that can be created when large numbers of premises providing licensable activities are located in close proximity. To that end, as part of the council's Statement of Licensing Policy consultation, Leicestershire Constabulary and Leicestershire County council Public Health have asked the Council to consider adopting a specific policy on cumulative impact i.e. the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area. Increasing access to alcohol through more outlets and longer trading hours is linked to a range of alcohol-related harms. These include increases in alcohol sales per head of population, alcohol-related death rate, alcohol consumption in young people, assaults, and other harms including homicide, child abuse and neglect, and self-inflicted injury.
- 5.3 This area has been identified because the Licensing Authority believes that the cumulative impact of the concentration of licensed premises in this area is adversely affecting the promotion of the licensing objectives.
- 5.4 Evidence was provided by Leicestershire Constabulary and Leicestershire County council Public Health (2016).
- 5.5 The area of the special policy is marked on the Map at **Appendix B**.
- 5.6 Within this area there are a significant number of licensed premises, and although these have staggered closing times it still leaves large numbers of people on the streets late at night. The Licensing Authority takes the view that the principle problem is caused by the number of people attending licensed premises in the area where there is movement from these properties and to and from the hot food takeaways. The Licensing Authority believes that a cumulative impact policy in this area supports and assists initiatives in reducing crime and disorder. Accordingly the Licensing Authority will resolve to adopt a policy which will seek to prevent a further increase in the number of licensed premises within that area.

- 5.7 The effect of the special policy will be to create a rebuttal presumption that those applications for new premises licences or club premises certificates or material variations will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their Operating Schedule.
- 5.8 This Current Special Policy on Cumulative Impact will only apply to applications for new premises licences or club premises certificates or material variations where the Licensable Activities, as defined in the Licensing Act 2003, occur between the hours of 23:00 and 07:00.
- 5.9 The Current Special Policy on Cumulative Impact will only come into effect where relevant representations are received in relation to a specific application. If there are no representations the licensing authority must grant a premises licence/club premises certificate in accordance with the application.
- 5.10 This Policy will not be used as grounds for revoking an existing licence or certificate where relevant representations have been received.

6. Licensing Hours

- 6.1 In making decisions that relate to the hours for which a premises is licensed, consideration will be given to the four licensing objectives. Each case will be decided on its individual merits.
- 6.2 It is recognised that varied licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 6.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 6.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation.
- 6.5 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

7. Licensing Authority (Responsible Authority Role)

- 7.1 The Licensing Authority is now included in the list of responsible authorities and in common with other responsible authorities it is for the licensing authority to determine when it considers it appropriate to act in that capacity. The Licensing Authority will not make a representation or apply for a review at the request of another Responsible Authority or other person.
- 7.2 There are many occasions when the Licensing Authority may decide to make a representation or apply for a review based on evidence and information collated from other Responsible Authorities even though those Responsible Authorities have chosen not to make a representation.
- 7.3 The Licensing Authority is unlikely to intervene where the basis for the intervention falls within the remit of another Responsible Authority. For example, the police should make representation where the representations are based on concerns about crime and disorder.
- 7.4 Where the Licensing Authority does make representations it will ensure that there is a proper separation of responsibilities. The licensing officer preparing papers for a sub-committee hearing will be different to the Licensing Officer making the representations on behalf of the Responsible Authority. The Licensing Officer acting for the Responsible Authority will not be involved in the administrative process of the application or review and will not discuss the merits of the case with those involved in making the determination by the Licensing Authority. Communication between these Licensing Officers in relation to the case will remain professional and consistent with communication with other Responsible Authorities.
- 7.5 The Licensing Officers administering the application will be allowed to conduct negotiations between the Licensing Officer making the representation and the applicant.

8. Suspension of Premises Licence for Non-Payment of Fees

- 8.1 Part 2 of the Police and Social Responsibility Act 2011, introduced changes to the Licensing Act 2003, requiring Licensing Authorities to suspend a Premises Licence, or Club Premises Certificate, if the annual fee is not paid when due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before, or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the Licensing Authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21 day period then the licence will be suspended.
- 8.2 If the Licensing Authority intends to suspend a licence or certificate, it will notify the holder in writing and specify the date on which the suspension will take effect; this date will be 14 days after the day the Authority gives notice.

- 8.3 A suspension ceases to have effect on the day on which the Licensing Authority received payment of the outstanding fee.

9. Promotion of the Licensing Objectives

- 9.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:

- Granting or refusing applications for licences;
- Reviewing licences;
- Imposing conditions;
- Deciding how to integrate its role with other strategies of the Council.

- 9.2 Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

- Crime and Disorder – Leicestershire Police
- Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the local authorities Environmental Health Officers with responsibility for Health and Safety
- Public Nuisance – the Local Authorities Environmental Health Officers with responsibility for pollution control
- Protection of Children from Harm – Leicestershire Police, Leicestershire and Rutland Safeguarding Children Board
- Leicestershire Trading Standards.

- 9.3 Applicants know their premises best and will be expected to address the concerns that relate to the individual style of the premises and activities set out in their operating schedule. This Licensing Authority will also consider requests made by responsible authorities that the following conditions be applied to licences:

Premises Licensed for the Sale of Alcohol

- The provision, qualifications, training and identification of staff to control admission and to control the public inside the premises.
- Measures to reduce the likelihood of causing harm through violence or accidents including:
 - Prohibiting the sale of alcohol in bottles for consumption on the premises to prevent their use as weapons.
 - Prohibiting alcohol in open containers being taken from premises.
 - Requiring drinking vessels to be plastic or toughened glass.
 - Prohibiting irresponsible drinks promotions

- Requiring CCTV in appropriate circumstances at positions agreed by the Police and the control, use and availability of tapes and other digital means of recording.
- The fixing of Crime Prevention Notices including drugs related offences.
- Requiring the provision of text pagers to connect premises supervisors to the police in premises located in town and city centres.
- Steps to prevent noise, disturbance and anti-social behaviour from people arriving and leaving the premises.
- The adoption of an age determination policy such as Challenge 21 to prevent underage sales (including staff training, training records and customer awareness of the scheme).

Premises Licensed for Regulated Entertainment

- Setting of a capacity limit.
- The provision of staff to control admission and to control the public inside the premises.
- Appropriate measures to prevent nuisance from the premises including sound insulation, and noise limiting devices.
- The exclusion of children from unsuitable entertainment and films with age restriction classifications.

Cinemas and Theatres

- Appropriate measures to promote public safety in respect of the nature of these venues.

Dance Venues

- Appropriate measures to prevent drugs misuse
- The introduction of a policy on searches of customers on admission
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of air conditioning and ventilation
- The permanent availability of drinking water
- Appropriate measures to combat overheating.

Public Nuisance

- Limitation on hours of operation where necessary to prevent nuisance and disturbance
- Measures to reduce noise and vibration emissions from premises
- Measures to prevent noxious smells
- Measures to reduce light pollution

Conditions relating to Public Safety

- Arrangements for disabled people
- Provision and maintenance of escape routes

- Safety checks
- Curtains, hangings, decoration and upholstery (including temporary decorations and displays)
- Limits on accommodation numbers
- Fire Action Notices
- Outbreaks of fire
- Loss of water
- Access for emergency vehicles
- First aid
- Lighting
- Temporary electrical installations
- Ventilation

9.4 Licensees are key partners in working towards the promotion of the Licensing Objectives. In completing their Operating Schedules applicants will be expected to consider whether to put suitable and sufficient measures in place to promote those objectives. These measures would be relevant to the individual style and characteristics of the premises and activities.

9.5 Applicants should consider compliance with Fire Safety regulations, the Regulatory Reform (Fire Safety) Order 2005, particularly in regard to Public Safety. The Licensing Authority request that this consideration is reflected within the Operating schedule.

9.6 The Licensing Authority may consider the application only when well-founded representations are received. It will pay particular attention, at any hearing, whether to impose extra conditions in addition to those already included in the Operating schedule with a view to promoting the licensing objectives. Applicants or the Licensing Authority may refer to the Pool of Model Conditions when considering conditions to promote the four licensing objectives.

10. Children

General

10.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take particular regard to tackling child sexual exploitation and take into account representations made by the Leicestershire and Rutland Safeguarding Children Board or any other specialist consultee on each application.

10.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

10.3 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where there has been an association with drug taking or dealing
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- Children allowed to enter a Public House unaccompanied by an adult.

10.4 Conditions will not be imposed that require no admission of children. This will remain a matter for the discretion of the licensee.

10.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present
- Provisions to safeguard against harm to children related to a specific activity and/or premises
- Age limitations (below 18)
- Limitations or exclusions when certain activities are taking place
- Limitations on the parts of the premises to which children may be given access
- Requirements for accompanying adults
- In exceptional cases, exclusion of people under 18 from the premises when any licensable activities are taking place.

Children and Cinemas

10.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

Children and Public Entertainment

10.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The minimum number of staff required will be 1 for every 50 children or part

thereof. The licensee should make an assessment of whether additional staff are required, taking into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

Proof of Age Cards

- 10.8 The Licensing Authority supports the adoption of proof of age cards as a means of preventing under-age drinking. It recommends that any premises licensed to sell alcohol requires proof of age from any person where there is any doubt as to whether they are over 18. The Licensing Authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium. This is seen as particularly relevant to premises selling alcohol for consumption off the premises.

11. Early Morning Restriction Orders (EMRO)

- 11.1 A Licensing Authority can introduce an EMRO in a particular area if they are satisfied it is appropriate for the promotion of the licensing objectives. An EMRO can restrict sales of alcohol in the whole or part of the Licensing Authority area for any specified period between 12 midnight and 6am. If an EMRO is introduced it would apply to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period.
- 11.2 The introduction of an EMRO could be suggested by the public or the Police. A Licensing Authority is required to advertise any proposal to make an EMRO and demonstrate that they have evidence to justify doing so, as well as considering any representations.
- 11.3 The Licensing Authority will review the need for EMROs at least every five years in line with the review of the policy to see if circumstances have changed and any are needed, however, the Licensing Authority would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

12. Late Night Levy

- 12.1 A late night levy enables Licensing Authorities to raise a contribution from late-opening alcohol supplies towards policing the night-time economy. It is a power that Licensing Authorities can choose whether or not to exercise.
- 12.2 The levy must cover the whole of the Licensing Authority's area. The Licensing Authority will choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply.

12.3 The Licensing Authority should discuss the need for a levy with the relevant Police and Crime Commissioner and the relevant Chief Officer of Police. The Licensing Authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy.

13. Integrating Strategies

13.1 The Licensing Authority will seek to achieve integration with the following strategies and will consult with the appropriate organisations to achieve this.

- Crime Reduction Partnership
- Planning
- Transport
- Tourism
- Cultural Strategy
- Employment
- Race Equality
- Disabled Access.
- Public Health

14. Licensing and Planning

14.1 The Licensing Authority will see to it that planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of any planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal.

15. Duplication

15.1 The Authority will avoid duplication with other regulatory regimes (e.g. Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.

15.2 Conditions will only be attached where they are "necessary" for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

15.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

16. Standardised Conditions

16.1 This Authority will only attach to premises licences and club premises certificates those conditions that are tailored to the individual style and characteristics of the premises and the events concerned and where they are necessary for the achievement of one or more of the four licensing conditions.

- 16.2 However, to aid administration, attached to this statement at the **Appendix C** is a pool of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances.
- 16.3 A number of conditions are mandatory and are required to be applied to licences. These relate to the requirement for a designated premises supervisor where alcohol is to be sold, preventing underage admission to age restricted films and the requirement that door supervisors are registered with the Security Industry Authority. These are set out in Sections 19, 20 and 21 of the Act.
- 16.4 The Policing and Crime Act 2009 introduced further Mandatory Conditions which will be imposed on all premises licences. These relate to irresponsible drinks promotions, free tap water, the dispensing of alcohol directly into the mouth, age verification and the availability of small measures for beers wines and spirits

17. Personal Licences

- 17.1 This Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. Therefore this Licensing Authority considers it good practice for personal licence holders and in particular Designated Premises Supervisors to have significant operational involvement in the sale of alcohol rather than to undertake remote authorisation of other staff. This means to be available for consultation throughout the day where possible.
- 17.2 In accordance with the Secretary of State's advice the licensing Authority will normally refuse applications where the Police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

18. Enforcement

- 18.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.
- 18.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 18.3 Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the Licensing Authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.
- 18.4 Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in this Statement of Policy, and the requirements of the Licensing Act itself
- Protect public safety
- Prevent nuisance
- Prevent crime and disorder
- Protect children from harm
- Identify unlicensed activities
- Respond to complaints and representations from relevant individuals and responsible authorities
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug abuse.

19. Live Music, Dancing and Theatre

- 19.1 The Licensing Authority will ensure that when it considers licences for entertainment involving live music, dancing and theatre it will act so as to promote the licensing objective of preventing public nuisance.
- 19.2 The Licensing Authority recognises that there is a need to encourage and promote live music, dancing and theatre because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

20. Delegation of Functions

- 20.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees:
- Application for a personal licence where there are relevant unspent convictions
 - The review of a premises licence or club premises certificate.
- 20.2 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:
- Application for a personal licence
 - Application for a premises licence or club premises certificate
 - Application for a provisional statement
 - Application for variation to a premises' licence or club premises' certificate
 - Application to vary a designated personal licence holder
 - Application for transfer of a premises licence
 - Application for interim authority
 - The determination of a temporary event notice.

- 20.3 The Licensing and Compliance Officer will determine all other matters under the authority of the Head of Regulatory Services, to whom such powers have been delegated in the Council's constitution.
- 20.4 The Licensing Authority will ensure that all Members appointed to serve as members on the Licensing Committee and any of its panels will have undergone appropriate training before they act in that capacity.

21. Temporary Event Notices

- Standard Temporary Event Notice (TEN) on the Licensing Authority notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the police and Environmental Health, as responsible Authorities no later than ten working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.
- Late Temporary Event Notice (LATE TEN) on the Licensing Authority notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than five working days before the first of the event and no earlier than nine working days before the first day of the event.
- The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.
- The maximum number of person allowed on the premises at the same time during the temporary is 499.
- If alcohol is to be supplied, all supplies must be carried by or under the authority of the person serving the TEN, and that person need not hold a personal licence.
- Only the Police and Environmental Health may object to the staging of a temporary event. If they believe that any of the four licensing objectives will be undermined by the event they will issue an 'Objection Notice.'
- Where an Objection Notice is received in relation to a standard TEN, a licensing sub-committee will be held to determine the notice within seven working day of the objection notice being issued. A hearing may not be necessary if an agreement can be reached beforehand.
- Where an Objection Notice is received in relation to a LATE TEN, the event will automatically be refused authorisation. There is not right to appeal in this instance.
- The act provides that only the Licensing Authority can impose conditions (from the existing conditions on the premises licence or club certificate) to a TEN. The licensing Authority can only do so:
 - If the Police or Environmental Health have objected to the TEN.
 - If the objection has not been withdrawn.

22. Period of Validity and Review

- 22.1 This Statement of Licensing Policy will come into force on **13 December 2017** and is valid for up to five years.
- 22.2 The Policy will be kept under review during the period of validity and if necessary amendments made.
- 22.3 Before a new Policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

23. Contacts

- 23.1 Anybody wishing to contact the Licensing Authority with regard to this Policy Statement can do so as follows:

In writing to: Licensing Team
Melton Borough Council
Parkside
Station Approach
Burton Street
Melton Mowbray
Leics
LE13 1GH

Telephone: (01664) 502502
Fax: (01664) 410283
E-mail: licensing@melton.gov.uk

LIST OF CONSULTEES

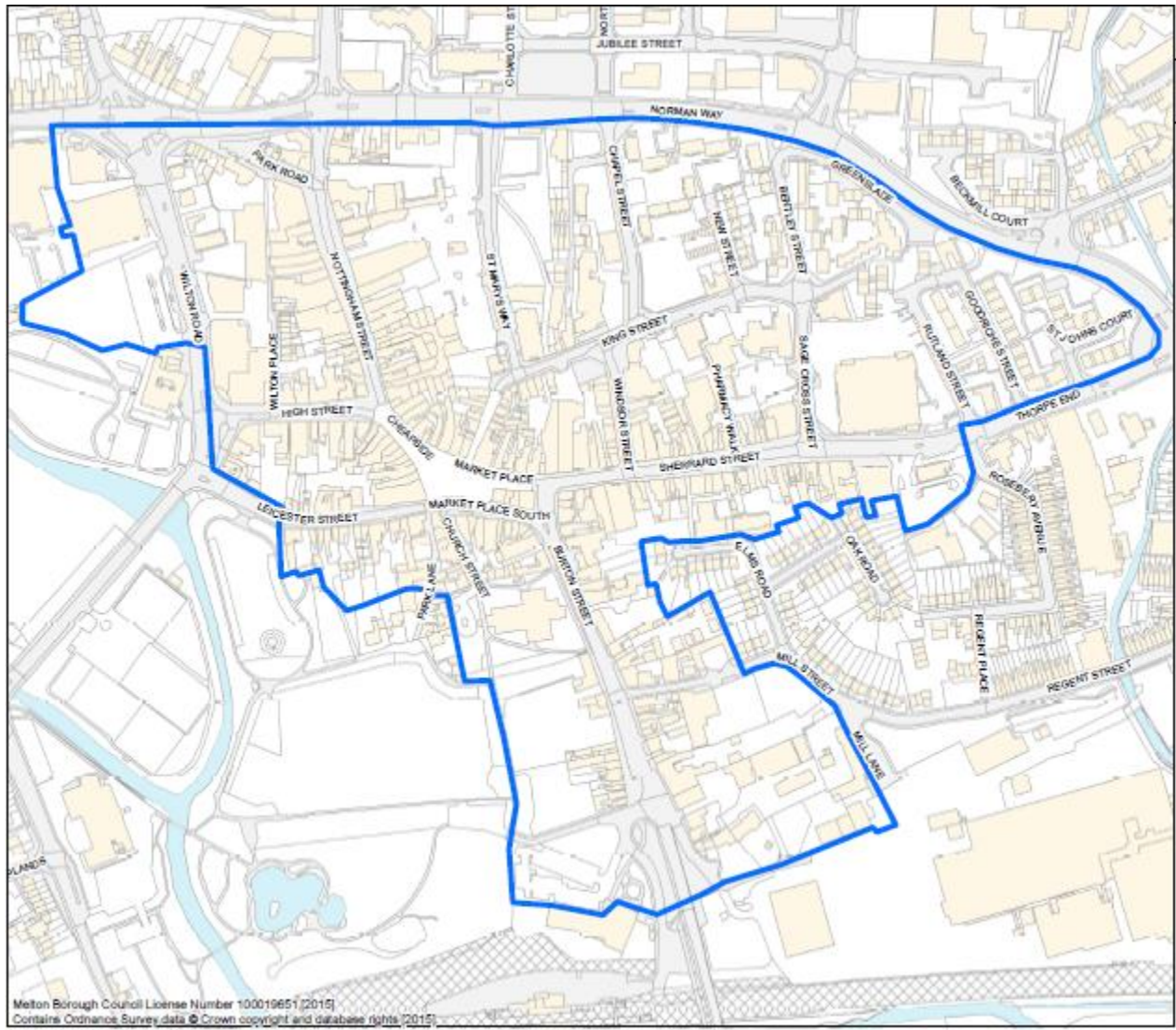
Before determining the policy, the licensing authority must consult the persons listed in section 5 (3) of the 2003 Act. These are;

- The chief officer of police for the area;
- The fire and rescue authority for the area;
- Each local authority's Director of Public Health in England (DPH)
- Persons/bodies representative of local premises licence holders;
- Persons/bodies representative of local club premises certificate holders;
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

Representative of these requirements are:

- Licensed Premises within the Borough of Melton
- Leicestershire Constabulary
- Leicestershire Fire & Rescue
- Leicestershire Trading Standards
- MBC Environmental Health Team
- MBC Building Control Team
- MBC Development Control Team
- MBC public notice board
- Leicestershire Safeguarding Children Board
- MBC Social and Economic & Development
- MBC Councilors
- Neighbourhood Policing Panels
- NHS
- Public Health
- Parish / Town Councils
- Local MP
- Local Trade Associations
- Institute of Licensing
- Licensed Victuallers Association
- The Environment Agency
- Health and Safety Executive

APPENDIX B



LICENSING ACT 2003 - POOL OF MODEL CONDITIONS

The non-mandatory conditions listed in this “pool of model conditions” shall not be regarded as “standard conditions” and are **not** to be automatically imposed on all premises licences or club premises certificates. They are designed to provide a range of **possible** conditions which **may** be added to premises licences or club premises certificates via the applicants operating schedule or, through the proper consultation/review process.

The addition of conditions is dependant on the individual circumstances and any conditions attached must be **appropriate** and **proportionate** to the application received.

Conditions must necessary for the promotion of one or more of the four licensing objectives which underpin the Licensing Act 2003, namely:

- 1. Prevention of Crime & Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. Protection of Children from Harm**

The wording of the conditions may need to be modified to suit a particular premises and/or situation.

This is not an exhaustive or exclusive list of conditions; additional conditions may be drafted and attached to such licences and certificates by, the applicant in question, any responsible authority, interested party, or the Licensing Authority where appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or ‘a competent person nominated by the designated premises supervisor’.

The Live Music Act 2012 has deregulated certain types of live and recorded music between 08.00 and 23.00 for which further details are available upon request for Melton Borough Councils Licensing Team.

Non-Mandatory conditions

Crime and Disorder

Sale of Alcohol

1. No sale of alcohol shall be made unless the designated premises supervisor or a personal licence holder is present on the premises.
2. The premises licence holder shall join the Retail Radio scheme or any similar scheme operating in the area and ensure that:
 - (a) The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period;
 - (b) The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - (c) Any police instructions/directions are complied with whenever given; and
 - (d) All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
3. The Designated Premises Supervisor shall hold the certificate in National Course of Designated Premises Supervisor.

Door Supervisors

4. The premises licence holder shall employ a minimum of SIA licensed door supervisors for every [100] customers or part thereof to deal with any likely contingency from [*start time*].
5. A minimum of [x] SIA licensed door supervisor shall be on duty at the premises [*at all times whilst it is open to the public/after xx.xx/until the last admission time for the public*].
6. At least [x] SIA licensed door supervisors shall be on duty at the entrance of the premises at [*all times whilst it is open to the public/until the last admission time for the public*].
7. If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.
8. Where door supervisors are required the premises licence holder shall keep records showing the names of the supervisor, their SIA badge number and expiry date, and the date/time that they were employed.

Entry to premises

9. No public access to the premises shall occur through the [*specify doors*]. This condition shall not restrict the use of the doors in the event of an emergency.
10. There shall be no entry or re-entry, other than staff members, to the premises after xx.xx.
11. Patrons may be allowed re-entry where they have left the premises for a cigarette.

Bottle Bans

12. No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
13. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
14. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [*red*] on the plan forming part of the premises licence.

Plastic containers and toughened glass

15. The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.

Restrictions on drinking areas

16. The premises licence holder shall ensure that no alcoholic drinks are consumed in the area marked (in red) on the plan (numbered...../attached to the premises licence).

Crime prevention notices

17. The premises licence holder shall ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and warning against leaving property unattended.

Signage

18. The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in, on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.

19. The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.

Drugs

20. The designated premises supervisor shall complete a recognised 'drug awareness' training course [*within x weeks/ by x date*].
21. Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.

CCTV

22. CCTV shall be installed to specifications and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for a minimum of 28 days. All recordings are to be held in a secure holding facility. If a tape system is used, tapes are to be replaced every 6 months with new ones. This is to be recorded in an incident book for the premises. All images held are to be available immediately on request by any of the Responsible Authorities.
23. 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 to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.
24. An incident log shall be kept on the premises, and made available on request to the Police or Licensing Officer, which will record the following:
 - (a) All crimes reported to the premises;
 - (b) All ejections of patrons;
 - (c) Any complaints received;
 - (d) Any incidents of disorder;
 - (e) All seizures of drugs or offensive weapons;
 - (f) Any faults in the CCTV system;
 - (g) Any refusal of the sale of alcohol;
 - (h) Any visit by a responsible authority or emergency service.

Public Safety

Disabled People

25. The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.

First Aid

26. The premises licence holder shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

Lighting

27. The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.

Indoor Sports Entertainments

28. At least 28 days notice of any event involving boxing or wrestling entertainment events shall be provided to the Licensing Authority and Environmental Health.

29. The premises licence holder shall ensure that:

(a) An appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;

(b) Where a ring is involved it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant;

(c) 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;

(d) At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

or

The premises licence holder shall ensure that any requirements made by the Licensing Authority and Environmental Health during the preparation for and the provision of boxing and wrestling entertainment are complied with.

Special Effects

30. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:
- dry ice machines and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - real flame
 - fire arms
 - motor vehicles
 - strobe lighting
 - lasers
 - explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.

Drinks

31. No drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

32. The premises licence holder shall make all reasonable endeavours to ensure clothing or other objects shall not be placed over balcony rails or upon balcony fronts. Signs shall be displayed informing customers that clothing or other objects shall not be placed over balcony rails.

Ceilings

33. All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person at least once in every five years and a certificate concerning the conditions of the ceilings shall be forwarded to the Licensing Authority.

Pre-Inspection for new premises

34. The Health and Safety Department shall be notified 28 days prior to trading in order to make a visit to the premises so that an assessment of the adequacy of the control measures in relation to public safety can be made.

Prevention of Public Nuisance

Where appropriate, the following conditions will relate to a single source e.g. a village pub rather than multiple sources e.g. the whole of the High Street in a town.

Noise

35. The internal LAeq 15 min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from regulated entertainment at the licensed premises.
36. The premises licence holder shall ensure that the settings of the noise limiting device will not be altered unless approval is first confirmed in writing by the Local Authority's Authorised Officer.
37. Noise generated by amplified music, during the provision of regulated entertainment, shall be controlled by a noise limiting device set at a level determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.
or
A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.
38. All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when [*regulated entertainment is/events involving amplified music or speech are*] taking place. Acoustically-treated ventilation or air conditioning may be required in warm weather.
and
The premises licence holder shall undertake a risk assessment before regulated entertainment is provided during warm weather to ascertain if acoustically-treated ventilation or air conditioning is required. If it is so required, the premises licence holder shall take steps to ensure that it is provided.
39. The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.
40. Prominent, clear notices shall be displayed at [*all exits / in the beer garden*] requesting customers to respect the needs of local residents and leave the premises and the area quietly.

41. The premises licence holder shall monitor the activity of persons leaving the premises [*after xx:xx/are closed to the public*] and remind them of their public responsibilities where necessary.

Lighting

42. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
43. Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
44. Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.

Noxious smells

45. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.

Litter and waste

46. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 11pm and 8am.

Conditions Relating to Potentially Large or Multiple Sites

47. Noise propagation tests shall be undertaken and completed to the satisfaction of the Local Authority's Authorised Officer for all outdoor events where amplified music is employed. The sound systems shall be configured and operated in a similar manner as intended for the event. The sound sources used for the test shall be similar in character to the music likely to be produced during the event. Appropriate control limits at the sound mixer position and adjustments to sound amplification equipment as a result of the testing shall be agreed to the satisfaction of the Local Authority's Authorised Officer.
48. The premises licence holder shall not permit noise emanating from the licensed site to unreasonably disturb the persons in the neighbourhood and in any event, shall undertake an agreed noise monitoring scheme to ensure that the music noise levels shall not exceed the higher of 55LAeq, 15 min free-field for an Leq 15 min free-field equal to the background (LA90) plus 15dB(A) should not be exceeded at agreed residential properties. These levels may however be amended in the situation of significant climatic effects, in agreement with the Local Authority's Authorised Officer.

49. The premises licence holder shall undertake an agreed noise monitoring scheme to ensure that between 11 p.m. and 7 a.m. noise from the event site, which [*includes the car parks and campsites*] shall not exceed an 8 hour LAeq of 45 dB at 1 metre from the façade of noise sensitive residential properties. The premises licence holder shall comply with any noise control requirements made during the event by the Local Authority's Authorised Officer.

Additional Site Specific Conditions

50. No member of the public shall be allowed to come within three metres of an operational loudspeaker providing regulated entertainment.
51. The [*doors / windows*] at [*specify*] shall be fitted with [*double /secondary*] glazing in order to improve the sound attenuation of the premises.
52. A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
53. [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the Local Authority's Authorised Officer.
54. An alarm shall be fitted to [*all external windows / fire doors*] which alerts staff when [*they are / it is*] opened without authorisation.
55. The specification, location and orientation of all permanently fixed speakers shall be agreed with the Licensing Authority's Authorised Officer.
56. The [*garden/patio*] must not be used by customers, except to have a cigarette, between the hours of xx.xx and yy.yy.
or
The [*garden/patio*] must not be used by no more than [*x*] customers between the hours of xx.xx and yy.yy.
57. The premises licence holder shall instruct staff to not cause unnecessary noise to nearby residents when leaving the premises.
58. The premises licence holder shall nominate a representative to receive and respond to complaints throughout the duration of any regulated entertainment. If necessary, a telephone number shall be provided for nearby residents to contact in respect of complaints about noise.
59. Regulated entertainment shall only commence on the basis that the work to [*specify area*] is completed and a sound insulation test is carried out by an appropriately qualified consultant and confirmation of the satisfactory results agreed in writing by the Licensing Authority's Authorised Officer.
60. Regulated entertainment consisting of live bands shall be limited to x occasions in any [*week/month/year*] and shall be provided by no more than x performers.

61. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
62. A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.
63. The shop front and pavement areas shall be cleaned at the close of business each day.
64. Persons permitted to leave temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
65. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

Protection of Children from Harm

66. No child under the age of xx, unaccompanied by an adult, shall be allowed in a premises after xx.xx to which the public have access after that time.
67. The premises licence holder must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be exhibited on screen. for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
68. In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.
69. A Challenge [21/25/*or any other suitable age*] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25/*or any other suitable age*] years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence. No other form of identification shall be accepted unless agreed with the Licensing Authority or Leicestershire Constabulary.
70. Challenge [21/25/*or any other suitable age*] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.

71. Training will be provided for all staff before they are allowed to sell alcohol and will include Challenge [21/25/ or any other suitable age], proof of age, management conflict and refusals records. The training will be documented. The Premises Licence Holder or Designated Premises Supervisor will check that the training has been understood. The training will be repeated at least every 6 months. Records of training will be provided to Responsible Authorities and the Licensing Authority on request.
72. The Premises Licence Holder shall operate and maintain an up-to-date record of refused sales of alcohol, indicating the date, time, reason for refusal and person refusing. The record shall be reviewed at least once a month by the Designated Premises Supervisor or premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the review. This information shall be made available upon request to the Licensing Authority and any other Responsible Authorities.
- or**
- If a premises has an Electronic Point of Sale system with a programme which will determine age-restricted products then upon scanning an age-restricted product, the sales assistant shall evidence the individual's age by means of asking for identification. The system shall record all challenges made, which will be checked and monitored by the Designated Premises Supervisor monthly. The record shall be reviewed at least once a month by the Designated Premises Supervisor or premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the review. This information will be made available upon request to the Licensing Authority and any other Responsible Authority.
73. Signs shall be displayed inside and outside of the premises warning adults that it is an offence to buy alcohol on behalf of anyone under the age of 18.
74. No alcohol shall be sold unless the container bears a label identifying the store from which it was sold.

Dated: Oct 2012: Revision Date: Oct 2014/Jul 2017