

REVISED POOL OF MODEL LICENCE CONDITIONS**LICENSING COMMITTEE****30 JUNE 2016****CLASSIFICATION:****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING****KIM WRIGHT**

1. INTRODUCTION

- 1.1 The appendix attached to this report presents a revised pool of conditions that provides model wording which applicants, responsible authorities and others can use when making an application or a representation in relation to an application. The pool of conditions will also be available to Licensing Sub-Committee members to assist them when deliberating on decisions.

2. RECOMMENDATION(S)

2.1 The Licensing Committee is recommended to:

- (i) **note the revised Pool of Model Licence Conditions at Appendix 1.**

3. BACKGROUND

- 3.1 On 26 March 2012, the Licensing Committee were presented with a revised Pool of Conditions. These were noted and were to be updated on a rolling basis.

- 3.2 The Licensing Act 2003 (“the Act”) states that:

*“Where the relevant licensing authority...receives an application for (or variation of) a premises licence/club premises...the steps are to –
“...grant the licence/club premises certificate/variation subject to the conditions...”*

- *derived from the operating schedule (including any that are modified, altered or omitted)*
- *any new conditions*
- *mandatory conditions*

- 3.3 There are effectively four types of condition that are attached to a licence or certificate: mandatory, proposed, agreed and imposed. Proposed conditions will emerge from the operating schedule, agreed conditions are those that are normally agreed between the applicant and any party that has made a representation and imposed conditions derive from relevant representations at a sub-committee hearing along with the mandatory conditions.

- 3.4 The Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided unless it is appropriate for any such condition to be applied to the licence.

- 3.5 A person commits an offence if he/she carries on or attempts to carry on a licensable activity other than in accordance with an authorisation (i.e. a premises licence, a club premises certificate or temporary event notice). A person found guilty of an offence can receive an unlimited fine and/or be jailed for up to six months. It is therefore important to ensure that any conditions attached are enforceable and unambiguous.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

The Licensing Committee is asked to note the revised Pool of Model Licence Conditions at Appendix 1. Any additional work due to changes in conditions, will be managed within the existing budgets in Regulatory Services.

5. COMMENTS OF THE DIRECTOR OF LEGAL

- 5.1 Conditions can only be included on a licence when it is appropriate to do so as set-out in the Licensing Act 2003 ('the Act').
- 5.2 The Act's Statutory Guidance (known as the S.182 Guidance) states that when considering the merits of an application conditions should only be attached to the licence when it is appropriate to place restrictions on the licence having regard to the four licensing objectives.
- 5.3 Any conditions imposed should be expressed in unequivocal and unambiguous terms to avoid legal dispute. They should be proportional in terms of being tailored to the size and characteristics of the premises, as well as to the activities taking place. Conditions should not seek to duplicate existing statutory provisions.
- 5.4 The pool of model conditions should assist the applicant, any other party involved in the application or the relevant Licensing Sub-Committee in determining what additional measures should be put in place, if any, to assist in regulating the licensable activities that are or will be taking place at the premises. The aim should be for these model conditions to only be used when it is promoting the licensing objectives and is appropriate, relevant and proportionate to do so.
- 5.5 It is noted that the pool of conditions will be amended and/or updated on a rolling basis.

APPENDIX

Appendix 1 – Pool of Model Licence Conditions

EXEMPT

Not applicable.

BACKGROUND PAPERS

None

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