

1. **REPORT TITLE** **Institute of Licensing Consultation on premise licence conditions**
- Submitted by:** **Democratic Services Manager**
- Portfolio:** **Safer Communities**
- Ward(s) affected:** **Not Specific**

**Purpose of the Report**

To consider the consultation document from the Institute of Licensing regarding premise licence conditions.

**Recommendations**

- a) **That the Committee consider the consultation document and provide feedback and comments on both the general principles and specific conditions proposed.**
- b) **That officers collate the comments and provide a response to the Institute of Licensing (the deadline for responses is 30 September 2015).**

**Reasons**

Members of the Licensing Committee are often called upon to attach conditions to premises licences following meetings of the licensing sub-committee and are therefore key stakeholders regarding the consultation;

1. **Background**

The Institute of Licensing is consulting members and stakeholders about its draft guidance on premises licence conditions for the Licensing Act 2003.

The project is a response to the legacy of the Licensing Act transition, and the continuing inconsistency in the approach to licence conditions, illustrated through licences overloaded with conditions, together with unenforceable and inappropriate conditions.

In undertaking the project, the Institute of Licensing aims to provide clear guidance to all parties on the proper and effective use of conditions, with guiding principles and precedent conditions designed to provide appropriate wording of conditions that can be individually considered for inclusion on a premises licence where it is appropriate to do so.

2. **Issues**

Current guidance relating to the use of conditions states:

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;

- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

3. **Options Considered**

That a response be provided to the Institute of Licensing regarding the consultation.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- creating a cleaner, safer and sustainable Borough
- creating a Borough of opportunity
- creating a healthy and active community
- transforming our Council to achieve excellence

14. **List of Appendices**

- a) *Guidance from the Institute of Licensing on the Consultation*
- b) *Consultation Response Form.*