

Producing an Operating Schedule for a Premises Licence

Licensing Act 2003

- A Guide for Applicants

Introduction

This guide has been produced by the Licensing Authorities of Leicestershire in conjunction with the responsible authorities who may make representations about applications for premises licences. Those authorities are:

- The Leicestershire Constabulary
- The Leicestershire Fire and Rescue Service
- The Pollution Control Technical Sub-Committee of the Chartered Institute of Environmental Health, who represent Environmental Health officers with responsibility for pollution control
- The Health and Safety Technical Sub-Committee of the Chartered Institute of Environmental Health, who represent Environmental Health officers with responsibility for enforcement of the Health and Safety at Work Act.
- The Leicester and Leicestershire Area Child Protection Committees.

This guide will enable applicants to be aware of the likely requirements of the responsible authorities in respect of applications for premise licences, so that these can be considered by applicants when producing their operating schedules.

Where operating schedules meet the requirements of a responsible authority, then it is unlikely that the authority will make a representation about the application and so the need for a hearing will be avoided. Applicants are also strongly recommended to discuss their operating schedules with the responsible authorities prior to submitting them. The contact details of the responsible authorities are given later in this booklet.

Status of the Guidance

Licensing Authorities are required by the Licensing Act 2003 to publish a statement of their licensing policy every three years. This guidance does not form any part of that policy and is separate from it.

Where representations are made about applications for premises licences and a hearing is held, the Licensing Authority will not simply follow the requirements of this guide, but will consider each case on its merits, taking into account the evidence presented to it at the hearing.

The main purpose of this guide is to enable applicants to be aware of the likely requirements of the responsible authorities. These can be clarified by consultation on individual applications. With this knowledge, applicants will be able to decide whether it is possible for them to meet the requirements of the responsible authorities and so avoid a hearing.

The requirements of this guide will be kept under constant review and may be updated from time to time. It is therefore important for applicants to ensure that they have the most up to date version of the guide at the time they make their application.

The Role of Operating Schedules in Premises Applications

The Licensing Act 2003 requires that all applications for a premises licence are accompanied by an operating schedule. The operating schedule must be on the official form and give details of:

- the licensable activities that authorization is being applied for and the times during which the licensable activities will take place
- any other times during which the premises will be open to the public
- if the application is for a limited period
- whether alcohol will be supplied for consumption on or off the premises
- if alcohol will be supplied on the premises information about the designated premises supervisor,
- the steps which will be made to promote the licensing objectives of:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- as well as other matters that the government may specify.

The operating schedule will allow the responsible authorities to evaluate the application and to decide whether they should make a representation about it or not. It is in the interests of the applicant, the responsible authorities and the licensing authority to avoid unnecessary hearings. This can be achieved if the applicant meets the requirements of the responsible authorities, which can be determined from this guide and in consultation with them.

If there are no representations made about an application, the licensing authority will grant the licence and attach to it only conditions relating to the operating schedule and any mandatory conditions required by the Act. For example, if the operating schedule were to state that windows of the premises would be kept closed when live music was being played, this could be made a condition of the licence. However, unless there was a representation from a responsible authority, a condition could not be made that the windows should be double glazed.

If a representation were to be made by a responsible authority, a hearing would be held to consider the representation. After the licensing authority had listened to both the applicant and the responsible authority that made the representation, the licensing authority would decide whether to grant the licence or not and what if any conditions it should apply.

Application Process

There could be a section here about the application process?

Leicestershire Constabulary

Each application will be judged on its merits but the following guide may be helpful to applicants.

Steps Required to Promote the Licensing Objectives

Possible Premise Type	Suggested Requirements
Residential/Estate/Village premises licensed for the sale of alcohol	<ul style="list-style-type: none">• Signage outside to detail hours of opening and name of designated premises supervisor.• No irresponsible drinks promotions.
Town or city centre premises licensed for the sale of alcohol	<ul style="list-style-type: none">• As above plus CCTV to be installed and maintained under the supervision of the police crime prevention officer.• (<i>Guide to Best Practice Appendix 1.</i>)• Adoption of licensing authority drugs policy.• Door supervisors.
Late Night Takeaways	<ul style="list-style-type: none">• CCTV to be installed and maintained under the supervision of the police crime prevention officer.
Trading after Midnight	<ul style="list-style-type: none">• Adoption of the police searching policy and conditions of entry. (<i>Guide to Best Practice Appendix 3.</i>)• Adoption of police risk assessment policy in relation to events. This details the nature of the event and seeks to highlight any risks so as to promote public safety.

Applicants may also wish to consider other conditions, which will promote the prevention of crime and disorder. Examples are given in Annex D to the Guidance under Section 182 of the Act.

These include:

- Bottle Bans
- Plastic Containers and Toughened Glass
- Open containers not to be taken from premises
- Restrictions on Drinking Areas
- Capacity limits

- Proof of Age Cards
- Crime Prevention Notices
- Drinks Promotions
- Signage
- High Volume Vertical Drinking Premises
- Drugs

Saturation Policies.

Details of areas, which have been designated as saturated with licensed premises, may be obtained from the Local Authority Licensing Section.

As a rule, applicants should expect the Leicestershire Constabulary to object to a new application in any area that has been declared saturated with licensed premises.

Address for Correspondence

The Chief Officer of Police,
The Licensing Section,
Mansfield House,
74 Belgrave Gate,
Leicester LE1 3GG.

Telephone 0116 248 4331 (City) or 4332 (County).
Fax 0116 248 4337.
E-mail Licensing.team@leicestershire.pnn.police.uk

Because of the tight time constraints imposed by the Act the use of e-mail, when available, is recommended by the Constabulary.

Faxed notices are acceptable as are those sent by traditional mail.

Contact for Advice

Sean Moore Ps567
The Licensing Section,
Mansfield House,
74 Belgrave Gate,
Leicester LE1 3GG.

Telephone 0116 248 4331 (City) or 4332 (County).
Fax 0116 248 4337.
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Leicestershire Fire and Rescue Service

Requirements

A fire risk assessment of the workplace must be carried out which must consider the adequacy of the means of escape, fire safety signs and notices, emergency lighting, fire warning systems, fire-fighting equipment and training.

The significant outcomes of this Risk assessment, including occupancy figures, designated escape routes, evacuation procedures etc., should be included in the operating schedule accompanying the application to facilitate an evaluation as to their suitability.

Guidance can be found in a booklet called "Fire Safety An Employer's Guide" published by H.M. Stationery Office ref: ISBN 0-11-341229-0 and "Guide to Fire Precautions in Existing Places of Entertainment and Like Premises" published by H.M. Stationery Office ref: ISBN 0-11-340907-9.

Address for Correspondence

The Chief Fire Officer
Risk Management
Southern Fire Station
Meridian Business Park
Meridian East
Leicester
LE19 1WZ

Telephone: 0116 2292125
Fax: 0116 2292120
E-mail: #####@lfrs.org

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Risk Information Advisory Team
Southern Fire Station
Meridian Business Park
Meridian East
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LE19 1WZ

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The Pollution Control Technical Sub-Committee

Steps Required to Promote the Licensing Objectives

All licensed premises that have the potential to generate noise from within the premises or from their customers in the immediate vicinity of the premises must take steps to prevent public nuisance. The steps that are required should be determined by firstly carrying out a noise impact assessment and then developing a strategy for noise management.

Carrying out a Noise Impact Assessment

- Take account of locality – different “specifications” for management strategy in different types of areas:
 - Urban centre
 - Suburbs
 - Market Town
 - Village
- Although premises will be considered individually, City centre areas would normally be licensed for later hours than rural or residential.
- Take account of other premises that may encourage street activity, in particular in particular fast food outlets, that may encourage customers leaving a licensed premise to remain in the area for longer that would otherwise be the case. In such circumstances earlier closing may be appropriate.
- Is it likely that most customers leaving the pub at closing time will pass through a residential area? There will be circumstances where most customers leaving a licensed premise will tend to do so through a predominately residential area. In such circumstances late closing will may be appropriate.
- Where customers from several licensed premises may pass through a residential area, an alternative to early closing of all may be staggered closing, as long as no individual premise causes a problem. The number of premises closing late on any one night in one locality should be considered, and limited if appropriate.
- Where appropriate CCTV should be considered to monitor activity in the immediate vicinity of licensed premises. This may discourage “rowdy” street activity, and can be used to identify problems that could be resolved by a review of the management policy.

Developing a Noise Management Strategy

- Consider neighbours, including above or below, detached or shared party wall, immediate neighbours and residents in the area. A noise management strategy must take into account the noise receiver and pathway, as well as the

source. Management measures to protect immediate neighbours will differ from those protecting residents living several tens of metres away.

- The noise level target will be at the façade of the nearest sensitive premises, but it may be more practical to identify the internal noise equivalent. This allows easier assessment by the licensee, particular in urban centres where a variable background can make noise assessment difficult. An internal target noise level allows and for a noise limiting device to be set appropriately.
- The method to control noise is a matter for the licensee. Either the source (volume) or pathway (acoustic insulation) can be controlled. Where the noise source is loud music a combination of both will be most effective. If the volume of music is to be controlled, a noise-limiting device must be used. Once set this should be inaccessible to the licensee or his staff. Access to the device should only be available to an appropriate "noise engineer".
- Noise levels for music will need to be assessed on a frequency basis to allow for bass. The most appropriate criteria will be defined levels in the 63 and 125Hz octaves, expressed as a Leq (unweighted). The actual levels will vary from premise to premise, according to location, but the criteria used should be standard. The proposed octave based criteria are commonly used, and will be familiar to an acoustic consultant, should the premise management choose to appoint one.
- Different levels may be appropriate for different times; for example pre and post 2300 levels may be set.
- The target noise level must be assessed in relation to the background noise levels. There should normally be no increase in background levels as a result of licensed premise(s). Allowing "background + X dB" is likely to allow "background creep" – a gradual increase in background levels in an area.
- "Zoning" within a licensed premise may be appropriate, for example where noisy areas, such as dance floors, are away from walls, windows or doors where noise breakout may otherwise occur.
- Where there is any residential building close to the pub a condition requiring all windows to be closed after a specified time should be considered, particular for "concertina" style windows that allow a large opening in an external wall. Where such a condition is applied, the premise management or owner must ensure that ventilation and air conditioning is adequate to discourage customers from opening windows or doors in warm weather.
- Noise from car parks adjacent to residential properties must be controlled, although where premises close at or before 2300, noise controls may only be appropriate if there is a "mass exodus" of cars at closing time. Noise controls may include such measures as restricting times of use of the car park (by locking an entrance gate at a specified time) or zoning larger car parks so that areas adjacent to residential premises are not used after a specified time. Areas adjacent to residential premises may be restricted to use by staff, who are more likely to leave quietly. Floodlighting of car parks will discourage noisy behaviour, as well as improving security.
- Noise from gardens (or other outdoor areas) of licensed premises is a common, if seasonal, problem in residential areas. Music should not be audible in a garden in such circumstances. Even if music is inaudible outside the garden boundary, music audible within the boundary will cause elevated noise levels

from customers talking over the music. Where a garden is in an area that includes noise sensitive premises, outside speakers must be prohibited. The use of any garden located near to noise sensitive premises should be limited to daytime and early evening, with access prevented after a specified time (perhaps 2130 or 2200) where practical.

- Children's play equipment must be located away from boundaries shared with noise sensitive premises, with hours limited as for gardens and other outdoor areas.

Address for Correspondence
Contact Details

The Health and Safety Technical Sub-Committee

Existing Legal Requirements

Virtually all premises that will require a premises licence are also covered by the Health & Safety at Work Act. Applicants should be aware that they will need to ensure compliance with this legislation. The following provides a rough guide:

Less Than 5 Employees?

- *Risk Assessments – Including fire safety, electrical safety, slips & trips, manual handling, violence to staff, lone working, working at night, asbestos (if applicable) and COSHH (if applicable)*
- *First Aid – Materials and appointed person*
- *Drinking Water*
- *Induction/Training*
- *OSR Registration*
- *Safe place of work, access/egress and equipment*

More Than 5 Employees?

- *Written Risk Assessments – Including Fire Safety, Electrical Safety, Slips & Trips, manual handling, violence to staff, lone working, working at night, asbestos (if applicable) and COSHH (if applicable)*
- *Health and safety policy*
- *First Aid – Materials and appointed person*
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Steps Required to Promote the Licensing Objectives

Licensing Authority Contact Details

Leicester City Council

Address details

Blaby District Council

Address details

Charnwood Borough Council

Address details

Harborough District Council

Address details

Hinckley & Bosworth Borough Council

Address details

Oadby & Wigston Borough Council

Address details

Melton Borough Council

Address details

NW Leicestershire District Council

Address details

Leicestershire Constabulary

CCTV and Licensed Premises

A guide to best practise

1. CCTV does play an import part in reducing crime and disorder offences, which may take place on licensed premises.
2. The system should be registered under the provisions of the Data Protection Act 1998.
3. All systems should be fitted in consultation with the local Crime Prevention Officer. Contact can be made via the Police Licensing Department.

Basic advice for CCTV systems include:

- Real time coverage both inside and outside of entrances and exits.
- Tapes must be retained for 31 days and a robust system of monitoring the whereabouts and removal of the tapes.
- Tapes must be changed on a regular basis to ensure image quality
- The system should be checked monthly.
- Any outside cameras must cover to the centre of any roadway outside.

It is important that licensees are aware of their system and their responsibilities as CCTV may form part of the conditions of their license.

Licensees should ensure that CCTV is part of their operating schedule to ensure that customers are safe from becoming victims of crime and assist in investigations of crime.

Leicestershire Constabulary

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