

LEICESTER CITY COUNCIL

STANDARD CONDITIONS FOR PLACES OF PUBLIC ENTERTAINMENT

INTRODUCTORY

MEANING OF TERMS

In these conditions the following expressions have the meanings hereby assigned to them:

Authorised Officer means an officer of the Licensing Authority, or the Leicestershire Fire and Rescue Service authorised in writing for the purpose of these conditions, or any Police Constabulary.

Licensing Authority means the Leicester City Council.

Licensee means the person to whom the licence to which these conditions apply is granted or to whom the licence has been transferred, or nominated in accordance with general condition 3.

Open means open for public entertainment and includes the whole of the time that the public is in attendance.

Premises means the premises, or part of the premises, to which the licence relates.

Entertainment means any dancing, music, singing or other entertainment of the like kind and any sporting event, display or contest to which the public is invited as spectators.

Staff means persons who are at any time employed on the premises in connection with any public entertainments.

Stage includes any ring used for sporting entertainment.

NOTE 1 Except where the context demands otherwise, the singular includes the plural and the masculine includes the feminine.

NOTE 2 Any requirement, permission, approval, consent or satisfaction of the Licensing Authority which is required in writing shall be given or signified by the Public Safety Manager, or Director of the Environment and Development Department, Leicester City Council.

Any Such requirements etc. not so required may be given by any officer of the Licensing Authority authorised in writing.

Where necessary in the immediate interests of public safety, any such requirements etc. may be given by any officer authorised by the Director of the Environment and Development Department.

Any such requirements, permission, approval, consent or satisfaction may be made subject to further special conditions and may be revoked in the same manner as it was given.

GENERAL CONDITIONS

1. RESPONSIBILITY OF LICENSEE

The licensee shall be at all times responsible for compliance with the terms and conditions of the licence, including any special conditions, notwithstanding any delegation of supervisory responsibility referred to in Condition 3 below.

2. DISPLAY OF LICENCE

The licensee shall ensure that a copy of the licence is displayed in a prominent public position in the premises and a copy of the conditions attached to the licence is available for inspection by any person using the premises.

3. DELEGATION OF RESPONSIBILITY

The licensee should, when he is required to be absent from the premises delegate responsibility, in writing, for the supervision of the premises to another nominated person if that person is at least 21 years of age and acknowledges in writing responsibility for compliance with the relevant conditions of the licence. The delegated person must be able to demonstrate some supervisory experience, to the satisfaction of the Licensing Authority.

4. RESPONSIBILITY OF PERSON IN CHARGE

The licensee or person nominated under condition 3 shall:

- (i) be in charge of and present at the premises at all times the premises are open;
- (ii) not engage in any activities likely to prevent exercise of proper control over the premises; and
- (iii) take all reasonable precautions to protect the safety of the public, performers and employees and to ensure that the conditions of licence, including special conditions or requirements, are complied with at all times.

5. RESPONSIBILITY OF HIRERS

If the premises are hired out for public entertainment, the licensee shall ensure that the relevant terms and conditions of the licence are notified in writing to the hirer and written agreement obtained that the hirer shall take all reasonable steps to ensure compliance with the conditions of licence. The notification shall include the following statement in a conspicuous position:

“The hirer is advised that failure to comply with the conditions of the Public Entertainment Licence, as outlined here, is an offence which could result in the prosecution of the hirer. The maximum penalty on conviction is a fine of £5,000 except where the occupancy level has been exceeded or where unlicensed entertainment has taken place, the maximum fine is £20,000 and/or 6 months imprisonment”.

NOTE: The hirer will be considered as being identical in status to a “delegated person” as in Condition 3 above, where the licensee is not present during the public entertainment, and the hirer will adhere to Condition 4.

6. PUBLIC LIABILITY INSURANCE

The licensee shall ensure that public liability insurance cover is in effect in respect of the premises and of the activities carried out at all times the premises are open. Such cover shall be adequate, to the satisfaction of the Licensing Authority, having regard to the numbers of persons permitted onto the premises.

7. CONDUCT OF PREMISES

Good order and decent behaviour shall be maintained at all times the premises are open. No disorderly conduct, nor any performance of whatever nature which is offensive or obscene, shall be permitted.

8. CLOSURE OF VENUE TO PRESERVE PUBLIC ORDER

An officer of the police not below the rank of Superintendent may by written notice require the premises to be closed at any time for the preservation of the peace. During such time as is specified in the notice, the premises shall not be open, unless authorised by the Licensing Authority.

9. REFUSAL OF ADMISSION

Admission shall not be refused to any person on the grounds of sex, race, colour, nationality, ethnic or national origins, sexual orientation or, unless with the written consent of the Licensing Authority, disability. Any requirement for standard of clothing or dress shall not apply to any article of clothing which can be reasonably regarded as necessary or appropriate in relation to a person’s race, creed or religion.

NOTE: The Licensing Authority will not give consent to deny access to disabled persons unless the premises are not considered suitable to accommodate that disability, and the premises cannot be reasonably be adapted for that purpose. Any such consent given by the Licensing Authority will normally be in the form of a special condition, and such consent will be qualified as to what restrictions may be imposed.

10. ADMISSION ETC OF CHILDREN

No child apparently under the age of five years shall be admitted to the premises unless accompanied by some person who appears to be at least sixteen years of age.

No person under the age of sixteen shall be employed at the premises, unless Section 37 of the Children and Young Persons Act 1963 applies.

11. RIGHT TO EXCLUDE PERSONS IN AN EMERGENCY

None of these conditions shall prevent the licensee from excluding persons from the premises in an emergency situation to secure public safety or prevent a breach of public order.

12. CONTROL OF NUMBERS OF PERSONS PRESENT

Arrangements shall be made to ensure that the person in charge of the premises is aware of the number of persons present on the premises at any one time and shall ensure such information is available to any Authorised Officer or any constable on request. The maximum number of permitted persons shall not be exceeded.

13. DOOR SUPERVISORS

- a) Where the licensee or the licensee's employer engages any person in the capacity of controlling admission to the premises (i - door supervisor), then they shall only engage such person or persons that:
- i) are competent in terms of having received the necessary training, as approved by the Licensing Authority, to adequately control any public safety risks which may arise at the premises, whilst in the course of their duties as a doors supervisor; and
 - ii) are fit and proper, having regard to their temperament and previous history which may be relevant to them effectively carrying out their duties, with the minimum risks to public safety.

The Licensee shall obtain written approval from the Licensing Authority as to the measures to be taken to comply with (i) and (ii).

- b) If so instructed in writing by the Licensing Authority, the Licensee shall:
- i) maintain a record of all staff employed or otherwise supplied wholly or partly for the purpose of controlling admission to the premises (i.e. door supervisors), including the days and hours of duty of such staff, and such records shall be available for inspection at all reasonable times by an Authorised Officer or any Constable;
 - ii) ensure that the Chief Constable is given advance notification, as specified, of the names and addresses of any staff so employed or supplied.
- c) The Licensee shall keep on the premises a register recording any incident occurring on the premises involving a door supervisor showing the following details:
- i) the time, date and place of the incident (where appropriate);
 - ii) the name and registration number of the door supervisor(s) involved;
 - iii) the name of any other person involved (if known);

- iv) a synopsis of the incident;
 - v) a description of any injuries; and
 - vi) Where the police, ambulance or any other emergency service attended the incident.
- d) Any register required to be maintained under this condition will be kept so that it can be inspected at any reasonable time by an Authorised Officer of the Leicester City Council or a Police Officer.
 - e) Every door supervisor if they belong to the Door Watch scheme, shall at all times when on duty, wear a badge, as provide by the Door Watch scheme, to which there is affixed a photograph of that person together with the registration number allocated to that person by the Door Watch scheme.

Where a door supervisor does not belong to the Door Watch scheme, they must wear identification which may be required by the Licensing Authority

- f) Definition of Door Supervisor – the definition includes “Any person who is employed on licensed premises primarily to vet customers and maintain order”.
- a) The term “employed” means employed or engaged by the licensee or any other person to work at or in the immediate vicinity of the premises and without prejudice to the generality of this definition. It also includes employment by a person who has contracted with the public entertainment licensee or any other person who provides security at the premises.

14. PROCEDURES FOR EVACUATION AND TRAINING

The licensee shall ensure that all attendants are aware of the approved procedure in case of fire or other emergency situations and notices relating to the procedure shall be prominently displayed in areas frequented by staff. The licensee shall ensure that staff are aware of the location of lighting controls and the manner of operation of such controls.

The licensee shall ensure that all members of staff receive instructions and training appropriate to their responsibilities in the event of emergency. It shall be based on written instructions. Exercises, for the staff only, shall be regularly held to ensure the smooth operation of the procedure for dealing with an emergency. The training of staff shall provide for the following:

- a) all members of staff shall receive a personal copy of written instructions and initially shall receive two periods of at least half an hour of verbal instructions given by a competent person. Such instructions shall include details of how to call the Fire and Rescue Service. These two periods of instructions shall be given within one month. In the case of new staff, this shall be as soon as possible after their appointment.

- b) a record of the training and instruction given and exercises held shall be entered in the log book (see condition 15 below) and shall include the following matters:
 - i) date of the instruction or exercise;
 - ii) duration;
 - iii) name of person giving instruction;
 - iv) names of persons receiving instruction; and
 - v) nature of instruction or exercise.
- c) After the initial instruction in (a) above, all members of staff shall receive at least half an hour of verbal instruction given by a competent person at least once in every period of 3 months.
- d) Exercises which may be combined with the instruction given in (b) above shall be carried out once in every period of 3 months. The exercise shall include a simulated evacuation drill with the assumption that one escape route is not available. Each exercise should be started by a pre-determined signal and the whole premises checked as if an evacuation was in progress. At least one exercise in each period of 12 months shall have regard for the numbers of young, elderly or disabled persons who might be accommodated on the premises.

15. LOG BOOK

The licensee shall ensure that a logbook is kept in which there shall be recorded details of all tests, examinations, electrical or other maintenance work and fire drill instructions. The logbook shall be readily available for inspection by an Authorised Officer at all times the premises are open.

16. NUMBER OF FLOOR STAFF

There shall be at least one attendant on duty on any floor or tier, except that:

There shall be at least two attendants on duty on any floor or tier with more than 100 persons present, and

The number of attendants on duty shall not in any case be less than one for each 250 persons present in the premises.

At an entertainment organised wholly or mainly for persons under the age of sixteen or over the age of sixty or for disabled persons:

- i) this condition shall have effect with the substitution of the figures 100 and 50 for the figures 250 and 100 respectively, and

- ii) the number of attendants stationed on any floor or tier to which such persons are admitted shall not be less than the number of exists for use by persons leaving that floor or tier.

17. AVAILABILITY OF FLOOR STAFF

Floor staff shall be available to assist persons to enter or leave the premises and shall not engage in any sales or other similar duties during such time as the premises are open.

18. IDENTIFICATION OF FLOOR AND DOOR STAFF

All such staff shall be provided with, and when on duty shall wear a uniform or other distinctive clothing or a distinctive armband. They shall not be permitted to wear fancy dress.

19. MEDICAL PROVISION

The Licensee shall ensure that suitable first aid equipment and sufficient trained and experienced first aid or medical personnel are provided to the satisfaction of the Licensing Authority, and an accident book provided.

20. TOILETS ETC.

The licensee shall ensure that the toilet and washing facilities as approved by the Licensing Authority at the time the licence is issued are maintained in good order and repair, properly cleansed, ventilated, adequately lit and provided with toilet paper, soap and water, and means for drying hands.

21. VENTILATION

The licensee shall ensure that effective provision is maintained for the supply of fresh air in the premises and any equipment, ducts etc, kept clean and in proper working order.

22. CONTROL OF NOISE

Noise emitted from the premises shall not cause a nuisance to nearby occupiers or residents of any other premises. Any form of amplification shall be controlled so as to prevent nuisance or any danger to health.

23. FLYPOSTING

The licensee shall ensure that any advertisements for public entertainments at the premises which are displayed contrary to the Town and Country Planning (Control of Advertisements) Regulations 1992 shall be removed by the licensee within 48 hours of being notified by the Leicester City Council of places where such advertisements are displayed, being places in respect of which the Leicester City Council has lawful

authority to grant the licensee (or his agents) permission to enter thereon for the purpose aforesaid.

24. ELECTRICAL INSTALLATION

The licensee shall ensure that the electrical installation/supply at the premises is properly maintained and used in a safe manner, properly fitted with fuses or other protective devices of the correct size or specification for the circuits concerned. The installation shall be maintained in accordance with the requirements of the current edition of the Institute of Electrical Engineers' Regulations. No temporary adapters or other such devices shall be used without the consent of the Licensing Authority.

25. USE OF RESIDUAL CURRENT DEVICES

The licensee shall ensure that all electrical circuits and/or sockets used for the purposes below are protected at all times by one or more integral residual current devices (circuit breakers) having an adequate load current rating and rated residual operating current not exceeding 30 Millie Amps. This condition applies to all socket outlets for use either with:

- a) temporary or portable electrical equipment on or in the vicinity of any stage area,
or
- b) any other electrical equipment used by live performers or the public.

The Licensee shall ensure that the devices referred to in this condition are tested on a weekly basis and the fact of the test recorded in the logbook. Defective devices shall be rectified immediately by a qualified engineer before any equipment is connected to the circuit(s) affected. The use of a temporary device shall only be permitted in emergency situations, such as to allow the continuance of an entertainment which is in progress. Such non-integrated protection shall not be used on more than one consecutive occasion, unless specifically authorised by the Licensing Authority.

26. ALTERATIONS ETC.

The licensee shall ensure that no alterations or additions (whether temporary or permanent) are made to the structure, lighting, electrical, heating, ventilation, mechanical or other installations of or in the premises, or to the furnishings, decoration, seating arrangements, gangways or other arrangements and that no structure, apparatus or other material is placed or fixed in or over any part of the premises where the public assemble except with the consent of the Licensing Authority.

27. TEMPORARY SEATING

All use of temporary seating shall be in accordance with a plan approved in writing by the Licensing Authority and secured in the approved manner.

28. PLANT, EQUIPMENT ETC

The licensee shall ensure that all plant, equipment, seating and other fittings used at the premises are maintained in a safe and satisfactory condition as approved by the Licensing Authority at the time the licence is issued, and shall ensure that no plant or equipment shall be used at the premises unless any specified inspection or maintenance has been carried out and a copy of any certificate required to be issued has been made available to the Licensing Authority.

All plant and equipment at the premises shall at all times, except for necessary maintenance, be securely fenced or otherwise guarded so as to preclude any danger.

29. DANGEROUS MATERIALS

No liquid petroleum gas (LPG), paraffin or portable gas appliances of any kind shall be used at the premises, nor shall any LPG, paraffin, bottled gas or other explosive or flammable material brought to the premises without the written consent of the Licensing Authority.

30. DANGEROUS PERFORMANCES

- a. No performances or entertainments involving any risk or danger whatsoever to the public shall be given without the written consent of the Licensing Authority. In particular, and without prejudice to the generality of the above, such entertainment would include any involving laser displays, strobes, balloons with flammable gas, smoke machines, aerosols, vapour effects, pyrotechnics (fireworks or other explosive devices), real flame, candles or other naked lights.

HYPNOTISM

- b. No entertainment involving hypnotism (as defined in the Hypnotism Act 1952) will be permitted except with the express written consent of the Licensing Authority. Application for hypnotism performances must be made not less than 28 days in advance of the intended day of the performance.

Hypnotism performance must comply with the Special Conditions for such performances in force at the time.

31. MAINTENANCE OF MEANS OF ESCAPE

All gangways, seatways, and other means and routes of escape shall be maintained free from any obstruction and in the condition approved by the Licensing Authority at the time the licence is issued.

All doors, including fire doors, windows, shutters or gates shall be secured or maintained in the approved manner or state, whether open or closed, so as to enable unobstructed and protected escape from the premises. No fastenings other than automatic panic bolts or other approved fittings shall be fitted to exit doors at any time the premises are open.

Any chains, padlocks, fastening devices or keys used for securing exit doors shall be removed by the licensee or nominated person and placed in a secure place or on a chain board or keyboard as specified by the Licensing Authority at all times the premises are open.

32. SIGNS AND NOTICES

The licensee shall ensure that all signs and notices required by the Licensing Authority at the time the premises are licensed are maintained in the approved form and condition, clearly visible and where necessary, illuminated.

33. LIGHTING

The licensee shall ensure that the means of illumination of all parts of the premises to which the public is admitted and which form part of any exit route are maintained in the condition approved by the Licensing Authority at the time the licence is granted. The secondary lighting shall be maintained at all times in good working order and in the condition approved by the Licensing Authority at the time the licence is issued. The condition of the secondary lighting shall be demonstrated to an Authorised Officer on request.

34. ILLUMINATION OF EXIT SIGNS

All notices indicating exits from any part of the premises to which the public is admitted shall be illuminated at all times the premises are open.

35. FAILURE TO GENERAL LIGHTING

If there is a failure of the general lighting, and the general lighting is not restored within one hour, all persons shall then be instructed to leave the venue.

36. FAILURE TO SECONDARY LIGHTING

If there is a failure of the secondary lighting all parts of the premises in which means of illumination are provided, other than the auditorium, shall forthwith be clearly illuminated by the general lighting. If at the end of one hour the secondary lighting is not restored, the auditorium shall be clearly illuminated by the general lighting and persons shall be instructed to leave the premises immediately.

37. STANDING

When a closely seated audience is present, no person shall be permitted to stand in any gangway, unless with the consent of the Licensing Authority.

38. BARRIERS

All rope barriers across gangways shall be fitted only with automatic catches or slip connections, as approved, and shall be so fixed as not to trail on the floor when parted.

Temporary barriers will be erected without the consent of the Licensing Authority, and only approved stage barriers will be permitted.

39. GANGWAYS, STEPS

The licensee shall ensure that the edges of steps and stairways, the floors of all gangways and exitways and the treads of steps and stairways are maintained with non-slippery and even surfaces and in the condition approved at the time the licence is issued, and kept clear of obstruction.

40. STORAGE

No storage shall be permitted on any stage, nor readily combustible materials stored under any stage except with the permission of the Licensing Authority. All storage shall be in areas approved for the purpose at the time the licence is issued.

41. CLEANLINESS

No rubbish, waste paper or other combustible material (not required to be kept at the venue) shall be deposited or allowed to accumulate in any part of the premises. All other parts of the premises, including yards and adjacent land under the control of the licensee, shall be kept clean and tidy at all times.

42. REFUSE

Refuse shall be removed from the premises at the conclusion of each entertainment.

43. SCENERY ECT.

All scenery, cloths, draperies, gauze's, decorations, properties, hangings, curtains and plywood or other thin wood on any stage shall be rendered and maintained flame retardant to the satisfaction of the Licensing Authority and in accordance with any requirements of an Authorised Officer.

44. SMOKING

Smoking shall not be permitted in any dressing room or corridor thereto or on any stage unless necessary in connection with a performance and in accordance with any requirements of an Authorised Officer.

45. FIRE FIGHTING EQUIPMENT AND ALARMS

The licensee shall ensure that adequate fire fighting equipment of a type and in positions approved by the Licensing Authority at the time the licence is issued is provided at all times, maintained in proper working order and available for instant use. All fire fighting equipment and fire warning systems shall be checked by the makers or recognised fire/electrical engineers annually to ensure that the equipment is maintained in an efficient working order in accordance with the relevant British Standards.

46. OCCURANCE OF FIRE

If any fire occurs at the premises, no matter how small, or if any report or alarm of fire is made or given, the Fire and Rescue Service shall be called immediately.

47. COURSES OF INSTRUCTION

Where the Licensing Authority reasonably requires the licensee to attend any course of instruction regarding precautions for fire safety or other matters relating to this licence, the licensee shall attend such course, unless prevented by reasonable cause.

48. OTHER REQUIREMENTS

Any reasonable requirements of an Authorised Officer to protect the safety of the public in any particular instance shall be complied with and no entertainment or performance shall take place until the Authorised Officer is satisfied that public safety will not be jeopardised. If an Authorised Officer instruct that the event should be closed and all persons evacuated, such instruction shall be complied with forthwith and the venue shall not be opened to the public until the instruction is withdrawn.

The licensee shall ensure compliance with any reasonable requirements of the Licensing Authority notified in writing, subject to any statutory right of appeal against the imposition of conditions, and such written requirements shall have precedence over any other requirements imposed in relation to this licence.

(The statutory rights and duties of other Authorities under separate legislation are not affected by these conditions).

49. CONTINUITY OF CONDITIONS

Upon any renewal or transfer of the licence, it shall be deemed to be subject to any specific conditions or requirements notified in writing to the licensee on the initial granting or subsequent renewal or transfer of the licence, unless expressly varied or revoked in writing, including all limitations as to occupancy. The licensee shall ensure that all special conditions and requirements are kept with the copy of these standard conditions and are available for inspection at all times the premises are open.

On the expiry of the licence, where there has been an application to renew the licence prior to its expiry, or there is an appeal pending in accordance with the provisions of paragraph 17 (Schedule 1) Local Government (Miscellaneous Provisions) Act 1982, these conditions shall be deemed to remain in force whilst the premises lawfully continue to operate as if a licence was in force.

50. GIVING OF NOTICE

Without prejudice to any of the preceding conditions, the licensee shall ensure that notice is given to the Licensing Authority in any of the following cases:

1. Where any special permission of the Licensing Authority is required in relation to any of these conditions.
2. Where any alterations or other action is to be carried out, whether or not specifically referred to in these conditions, which materially affect or might reasonably be thought to affect any matter covered by these conditions or other requirements of the licence. This would include the erection or use of any scaffolding, cradles, plant or machinery, changes of scenery, etc. which have not been previously authorised.
3. Where there is to be any variation to the days or times on which public entertainment has been previously notified to the Licensing Authority.
4. Where any entertainments are to be provided at which it is anticipated that a significant number of young persons, elderly or disabled persons or other persons with restricted mobility will attend.

NOTES FOR LICENSEES

The notes set out hereunder are intended for your guidance. They relate to general matters under the provisions of Schedule 1, of the Local Government (Miscellaneous Provisions) Act 1982. They are not intended to represent a comprehensive statement of the provisions of the Act and do not form part of the licence itself. It is essential that you acquaint yourself thoroughly with the implications of the terms, conditions and restrictions of the licence.

1. Licensees must ensure that they are acquainted with all and any requirements of any legislation applicable to the operation of premises to which this licence applies. Nothing contained in the Standard Conditions of licence removes any other requirements or statutory rights and duties of other Authorities under separate legislation.

2. Rights of Appeal

If you are aggrieved by any term, condition or restriction on or subject to which your licence is held, you may at any time within 21 days from the date of receipt of the licence apply to the City Magistrates Court. Such an appeal to be addressed to The Clerk to the Justices, P.O. Box 1, Pocklington Walk, Leicester.

3. Variation of Licences

You may at any time apply for variation of the terms, conditions or restrictions of the licence. Such application to be in writing addressed to the Public Safety Manager, Licensing Section, Leicester City Council, New Walk Centre, Leicester.

4. Powers of Entry

- i) Where a Constable, or an Authorised Officer of Leicester City Council, or an Authorised Officer of the Leicestershire Fire Service, has reason to believe that public entertainment is being, or is about to be given, he may enter the place with a view to seeing whether the terms, conditions or restrictions on or subject to which the licence is held are complied with.
- ii) An Authorised Officer of the Leicestershire Fire Service may, on giving not less than 24 hours notice to the occupier of any place in respect of which an entertainment licence is for the time being in force, enter the place for the purpose of :-
 - a) inspecting the place to ensure that there are adequate fire precautions, and
 - b) seeing whether the terms, conditions or restrictions relating to fire precautions on or subject to which the licence is held are being complied with.

5. Offences

If any place in respect of which a licence is in force is used for any public entertainment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then:

- a) The holder of the licence, and
- b) Any other person who, knowing or having reasonable cause to suspect that the place would be used:
 - i) allow the place to be so used; or
 - ii) let the place, or otherwise make it available, to any person by whom an offence in connection with that use of the place has been committed,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000, except where the occupancy level has been exceeded or where unlicensed entertainment has taken place, the maximum fine is £20,000 and/or 6 months imprisonment.