

MANCHESTER CITY COUNCIL

REPORT FOR RESOLUTION

COMMITTEE: Licensing Policy Committee
DATE: 8 August 2007
SUBJECT: Revised Licensing Act Policy 2008-2011
REPORT OF: Head of Environmental Services

Purpose of the report

To present the Committee with a draft statement of our revised Licensing Act policy and inform them of the proposed method of consultation we propose to implement.

Recommendation

That the attached draft statement of policy is agreed and consulted upon as outlined below.

Financial Consequences for the Revenue Budget

None.

Financial Consequences for the Capital Budget

None

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Background Documents

Manchester City Council Licensing Policy 2005-2008
Licensing Act 2003
Guidance issued under section 182 of the Licensing act 2003 (took effect from 28 June 2007)
All documents available from room 6021 in the Town Hall Extension

Wards Affected

City Wide

Implications for

<u>Anti-Poverty</u>	<u>Equal Opportunities</u>	<u>Environment</u>	<u>Employment</u>
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No	No	Yes	Yes
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Environment Implications

The Licensing Act 2003 gives the Council opportunities for influencing the behaviour of premises licence holders including pubs, bars and nightclubs, members' clubs, off licences and takeaways that stay open after 11.00pm. Whilst the environment is not a specific objective of the Act, there is no doubt that the way premises are managed e.g. the extent to which they tackle problems of drunkenness, underage drinking and noise nuisance, has a significant impact on the surrounding environment. The draft revised Licensing Act policy sets out many examples of good practice, that if comprehensively adopted by licence holders will benefit the local environment.

Employment Implications

Well-managed licensed premises with adequate staffing play a key role not just at night but often throughout the day. In particular premises that provide several activities e.g. food, drink and entertainment bring significant employment opportunities and encourage further investment.

REPORT

1 Background

1.1 The Licensing Act received royal assent in July 2003. It covers the following licensable activities:

- Sale or supply of alcohol
- Provision of regulated entertainment
- Provision of late night refreshment

1.2 The Act requires each Licensing Authority to publish a statement of licensing policy to show how it intends to achieve the four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

1.3 Members will be aware that our licensing policy is a statutory consideration in the determination of all licensing applications where representations are received.

1.4 In December 2004, Full Council approved our first statement of Licensing Act Policy. This policy took effect on 7 January 2005.

- 1.5 The Licensing Act itself came into force just under a year later on 24 November 2005. Since then, the Licensing Authority has had responsibility for regulation and enforcement in respect of approximately 1900 licensed premises and approximately 2100 personal licence holders.
- 1.6 Under section 5 of the Act, the Licensing Authority has a responsibility to revise their licensing policy every three years. Our first revision of licensing policy presents the opportunity to take stock of lessons learned over the last couple of years and ensure robust controls are in place for the next three years.

2 Amendments to our original Licensing Act policy

- 2.1 Our statement of Licensing Act policy allows us to outline the Council's considerations in the determination of applications where representations are received. The draft revised statement of Licensing Act policy is included in **Appendix A**.
- 2.2 The original policy statement 2005-2008 provided clear advice to applicants on the type of steps needed to promote the licensing objectives. The revised policy statement 2008-2011 reiterates many of these steps, focussing on the key measures that many premises should ensure are in place in relation to the provision of alcohol, entertainment and late night refreshment respectively.
- 2.3 The original policy was entitled: 'Taking responsibility: A new approach to licensing in Manchester'. The revised policy is entitled: 'Ensuring licensed premises meet the needs of their communities'.
- 2.4 The original policy was drafted before more than a thousand premises converted their existing licences for new permissions under the Licensing Act. As such the original policy focuses on guiding applicants through the application process. The revised policy focuses on the ongoing responsibilities of licensed premises to proactively uphold the four licensing objectives and emphasises the important role of residents, businesses and other interested parties to have their say on operation of licensed premises in their area and how they can express their concerns. The revised policy also includes more detailed plans on the development of licensing forums.
- 2.5 More detail regarding the proposed changes to Licensing Act policy are outlined in **Appendix B**. These have been made to reflect changes in good practice, to emphasise those practices that are considered to be most important in the successful promotion of the licensing objectives and to give local residents/businesses more guidance about their ability to have their say under the Act.

3 Consultation Strategy

- 3.1 The Licensing Act 2003 requires us to consult with various groups before we determine our Licensing Act policy. Statutory consultees include:

- The chief officer of police for Manchester
- The fire and rescue authority
- Persons/bodies representative of local holders of premises licences
- Persons/bodies representative of local holders of club premises certificates
- Persons/bodies representative of local holders of personal licences and
- Persons/bodies representative of local holders of businesses and residents in the licensing authority area

Above and beyond this, we intend to give the broadest range of people the opportunity to give us their views. We will therefore include:

- Interested parties throughout the City (ward members and ward coordinators etc will be informed together with Local Action Partnerships)
- All Responsible Authorities as named in the Licensing Act
- Other experts in the promotion of the licensing objectives: those working with under 18s, crime and disorder, public nuisance or public safety
- All premises providing licensable activities
- Trade Associations
- Residents Associations/ Faith and community groups

3.2 Wherever possible we write directly to these parties enclosing a series of questions to prompt responses. We will also make copies of our policy and feedback forms available on our website at www.manchester.gov.uk/licensing as well as at public access points such as libraries.

3.3 Articles will be placed in Council newsletters such as Manchester People, Cascade and Ward newsletters and with external media.

3.4 The attached draft policy has been prepared for public consultation. Subject to approval by the Licensing Policy Committee a 12-week public consultation will start on 9th August to the 1st November. The final policy taking account of consultation responses will then require the approval of full Council later this year.

4 Recommendations

4.1 Members are asked to note the contents of the report and agree the draft policy attached and consultation strategy as outlined above.

APPENDIX B Review of Statement of Licensing Act Policy: KEY CHANGES

2005-2008 Policy - Drafted pre-transition	2008-2011 Policy – Drafted with 18 months experience regulating and enforcing approx. 1973 licensed premises
Original Title	New title to reflect shift in focus of the policy
Taking responsibility: A new approach to licensing in Manchester	Ensuring licensed premises meet the needs of their communities
Foreword from the leader	Foreword from the leader
Focus on applicants applying to convert (and possible vary) their licences and the freedoms and responsibilities introduced by the new Act.	Focus on existing premises and their continuing responsibility to prevent problems for their communities and promote the licensing objectives, need for greater communication and need for operators to prevent drunkenness, underage drinking and noise nuisance and fully address risks associated with their premises.
Contents	Contents
Focus on application process from the point of view of licence applicants and information re. how we drafted the policy and the standards we expect from licence applicants.	Focus on meeting the needs of local communities, Licensing Forums and steps licensed premises operators can take to prevent problems and promote the licensing objectives
1. Executive Summary	1. Executive Summary
Focus on the responsibilities of new applicants and those applying to convert and vary their licences balanced against the economic benefits of licensed premises	Focus on the ongoing responsibilities of existing premises operators, the risk of review if they fail to address these responsibilities and the setting up of licensing forums.
2. The City of Manchester	
Focus on the socio-economics of Manchester	Section removed due to concerns that this section creates impression that there are economic considerations in licensing committee decision-making
3. Why we need a new licensing policy	2. Manchester’s Licensing Act Policy
Focus on switch from Magistrates to Local Authorities and considerations in drafting the policy	Focus on what our policy helps achieve. Concrete steps to tackle problems where there is friction between licensed premises and their communities. Any suggestion that there are economic considerations in licensing committee decision making is removed
7. Key considerations in drafting the policy	
Council’s corporate values and reference to the Race Relations Act	Revised statement includes Council’s corporate values in Section 2.1 of

included in section 7.	the revised policy.
4. Licensing Objectives	3. Licensing Objectives
Original statement underpinned four licensing objectives with ‘additional benefits’ e.g. ‘allowing businesses more freedom and flexibility to meet customer demand’	Reference to these additional benefits is removed in favour of a focus on how different licensable activities e.g. providing alcohol, entertainment or late night refreshment require different steps to be taken to fully address risks associated with the activities they provide and the consequences of failing to tackle these risks.
10. The broader picture	4. The broader picture
Broad discussion of overlaps with other strategies with the link to the promotion of the licensing objectives, not as explicit as it could be.	The revised statement focuses on the benefits of licensed premises that fully promote the licensing objectives e.g. tourism, sustainable economic development, promoting improved health, encouraging full participation in the cultural life of the city. Also included is link with other strategies and how they tie into the promotion of the licensing objectives. This revised section has been escalated to section 4 from its position in section 10 of the original statement.
	5. Meeting the needs of local communities
	<p>Whilst the original statement focussed on the licensing process from the point of view of potential applicants. The focus of the revised statement is on the process from the point of view of local residents etc. This part of the policy includes sections on:</p> <ul style="list-style-type: none"> • ‘Working together to ensure licensed premises are an asset to their communities’ • ‘The power to have your say’ • ‘Hearings before elected councillors’ • ‘Imposing conditions on a licence’ • ‘The ongoing responsibilities of licensed premises’ <p>There is also a clear statement that Interested Parties may ask for a review of a licence.</p>

<p>5.12 Cumulative Impact</p> <p>Original policy (section 5.12) focussed on other mechanisms to tackle Cumulative Impact but stressed decision not to have a Cumulative Impact policy would be reviewed on a regular basis.</p>	<p>6. The “Cumulative Impact” of licensed premises</p> <p>Section outlines how the designation of Cumulative Impact Policy areas can in some instances be a useful tool in tackling concentrations of licensed premises.</p>
<p>10.6 Licensing Forum</p> <p>Short introduction to the establishment of a single licensing forum.</p>	<p>7. Licensing Forums</p> <p>Section includes more detailed explanation of how three licensing forums will be organised in the North, South and central areas of the city and their focus i.e. promoting the licensing objectives.</p>
<p>5. The Licensing Process</p> <p>Original statement covers the full application process from the licensee perspective: Applications for premises licence, Club Premises Certificates, personal licences and TENs; the responsibilities of the DPS; the conversion process; Responsible Authorities; making representations; control measures on the operating schedule; variations; failure to achieve the licensing objectives; reviews of premises licences following closure order; reviews in connection with crime; appeals; licence conditions; discounting and sales promotions; door supervision; Cumulative Impact; large capacity venues; licensing hours; delegation of functions.</p>	<p>8. Applications for alcohol, entertainment and/or late night refreshment</p> <p>Revised statement includes slimmed down process assistance for applicants focussing on the key areas where we have experienced difficulties. The process is as per statutory guidelines and we have no ability to make our own policy requirements. The information is included to be helpful and we have outlined the process in more detail on our website.</p> <p>Removal of sections on:</p> <ul style="list-style-type: none"> ‘Hearings for a personal licence’ – not relevant to general readership ‘AWP (Amusements with prizes) machines’ – now subject of other legislation ‘Converting existing licences’ – no longer relevant ‘Failure to achieve the licensing objectives’ – covered in much greater detail in section 5: ‘meeting the needs of local communities’ ‘Reviews of premises licences following closure order’ – not relevant to general readership ‘Reviews in connection with crime’ – not relevant to general readership ‘Cumulative impact’ – expanded in Section 6 <p>Certain sections now included in section 3 where they fit more comfortably</p>
<p>6. Manchester’s Licensing Policy</p>	
<p>This is a wide-reaching section that summarises the focus of the original statement in so far as freedoms and responsibilities: Being proactive; issues to tackle enforcement; enforcement actions by different</p>	<p>We have covered almost all of this section in other parts of the revised statement</p>

enforcement agencies; link between crime and grime; encouragement of family friendly premises except where main activity is alcohol, or there is adult entertainment, gambling or smoking; promotion of cultural diversity e.g. live music; Cumulative Impact areas if necessary; 24 hour closure if noise issues; refusal of personal licences where objection from police.

9. What is a responsibly run premises?

A broad range of control measures were outlined under one of the four licensing objectives. It makes clear that high standards are expected from applicants, that operators should promote responsible drinking. The alternative is conditions or refusal to grant. Stress that licensee is ultimately responsible. He/she must familiarise themselves with our policy and the Act and consult a solicitor. Premises will be judged against the licensing objectives.

9. Promoting the Licensing Objectives

Many applicants have not included our suggested control measures in their operating schedule and as such they have not become licence conditions. In light of this, the list of control measures has been slimmed down slightly to emphasise those which produce the greatest impact. Control measures have also been organised under licensable activities (instead of licensing objectives). In this way premises that provide alcohol have their own list and premises that provide late night refreshment have a separate list.

The section on putting plans into practice has been expanded to address four key areas:

- 'Regular consultation with residents/businesses in the local vicinity
- 'Participation in the local licensing forum if requested'
- 'Comprehensive staff training'
- 'Full management support'

New section added 'Frequently Asked Questions'. This includes FAQs for:

- 'Local residents/businesses wanting advice'
- 'Operators of off-licences wanting advice'
- 'Operators of pubs/bars wanting advice'
- 'Operators of takeaways wanting advice'

8. The principles of Licensing enforcement

Stresses risk-based approach and there powers available to combat unlicensed activity or failure to promote the licensing objectives.

10. The principles of Licensing enforcement

Minimal changes. Some elements moved to other sections where more relevant. Focus on:
 Risk-based enforcement action and distinguishes between:
 Actions in relation to 'Applications for new premises licences or to vary existing premises licences'
 Actions in relation to 'the review of an existing premises licence'

	Also section on 'Further powers'
11. Glossary	Appendix 1 Glossary
	Some vocabulary added: 'incidental music', 'late night refreshment' Some vocabulary removed: 'Grandfather rights', 'First Appointed Day', 'Second Appointed Day' and 'Transition'
Appendix 1 Consultation	Appendix 2 Consultation
	Updated
Appendix 2 Model conditions	Appendix 3 Model conditions
	No change
Appendix 3 Contacts	Appendix 4 Delegation of functions
	Moved to Appendix
	Appendix 5 Contacts
	Updated



MANCHESTER
CITY COUNCIL

**Ensuring licensed premises
meet the needs of their communities**

Licensing Act Policy 2008-2011

DRAFT



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Foreword from the Leader of the Council



When the new Laws took effect in November 2005 I was very clear that the greater freedom and flexibilities offered by the new licensing regime placed tremendous responsibility on the operators of licensed premises to ensure their premises make only positive contributions to the communities in which they are based.

I am pleased that for the vast majority of premises this is indeed the case and right across Manchester we now have many responsible licensed premises providing a more varied offering.

I believe the successful implementation of the new licensing regime in Manchester was due to our determination, as a Council, to set high standards in the management of licensed premises from the outset to ensure the four licensing objectives are met. Robust Licence conditions, proactive and proportionate enforcement and a strong sense of partnership between our communities, businesses and the authorities has enabled us to focus enforcement activity on the minority of badly run premises.

Where premises have failed to uphold the licensing objectives we have used the full force of the law to review licences, which has, in some cases, led to premises losing their licence.

We will build on our successes since the Act came into force. We will continue to promote dialogue between licensed premises and the many stakeholders in the communities they serve to ensure that in the operation of their premises they continue to:

- *Prevent crime and disorder*
- *Prevent public nuisance*
- *Promote public safety*
- *Keep children safe from harm.*

This policy recognises the very positive contribution well managed premises can make to the Council's wider objectives through enhancing cultural diversity, contributing to the economy and helping to tackle crime and disorder.

Those who manage their premises well and play a purely positive role have nothing to fear from this policy. However we will not tolerate premises that damage our communities through selling alcohol to drunk or underage people, who compromise the safety of our citizens or who fail to prevent their premises causing a nuisance to the communities in which they are based.

Richard Leese

Leader of the Council

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1. Executive Summary

- (i) The Licensing Act 2003 came into effect on 24 November 2005. It covers premises providing the following licensable activities:
- The sale or supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment
- (ii) Since November 2005, Manchester City Council's Licensing Unit has been responsible for regulating 1973 licensed premises (an almost ten fold increase on its responsibilities prior to 2005) as well as 2128 personal licence holders.
- (iii) All licensed premises are continually assessed against four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm.

The vast majority of licensed premises must be congratulated for their successes in promoting these objectives. However, operators must constantly ensure their premises are fully compliant with all the conditions of their licence/authorisation.

We have formally reviewed premises that have not promoted these objectives, licences have been removed and tighter conditions applied. These formal reviews were not undertaken lightly. Operators were given a mark of trust when they were granted their authorisation, those who failed to run their premises responsibly showed a blatant disregard for the well-being of the people of Manchester. We will continue to ensure that this trust is upheld and local communities are not made to suffer because of badly managed premises.

- (iv) The Licensing Act made licensed premises accountable to those who are most affected by their activities i.e. their local communities. This creates a powerful incentive for operators to ensure they manage their premises responsibly and thereby meet the needs of local residents and local businesses.

Local residents/businesses and Responsible Authorities may raise concerns about new or existing licensed premises at any time.

In the case of **new premises applications or premises that apply to vary their hours, activities or licence conditions**, Responsible Authorities and local businesses/residents have a 28-day period to give their opinion on the application.

In the case of **existing premises**, Responsible Authorities and local businesses/residents experiencing problems can ask for a review of a licence at any time. We would usually recommend that those experiencing problems first contact the premises and give the licensee the opportunity to address their concerns. If they are not comfortable doing so, they may discuss their concerns with the Licensing Unit or one of the Responsible Authorities.

- (v) Operators of licensed premises must ensure they operate their premises in a manner that ensures that both their licence conditions are complied with and the four licensing objectives are met. Failure to do so may lead to staff being prosecuted and/or the licence being reviewed.
- (vi) Licensing Forums will shortly be established to cover the three areas of the city: the North, South and Central areas. The intention is to capitalise on knowledge accumulated since the Act came into force. The forums will support dialogue and liaison between local residents, businesses, Responsible Authorities and licensees by bringing together stakeholders in responsible licensed premises management to discuss means to better promote the licensing objectives. We want to work with stakeholders and the licensed trade to champion best practice in social responsibility particularly with regard to the sale of alcohol. This policy provides practical guidance to operators on how they can run a socially responsible business and we want to expand on this work to create a social responsibility framework.
- (vii) Licensing Act enforcement activity will continue to be risk-based and as such sharply focused on licensed premises which fail to promote the four licensing objectives and allow unacceptable behaviour including drunkenness, underage drinking, public nuisance and compromise public safety.
- (viii) Manchester is world-renowned for the diversity of its entertainment offering. The city attracts young and old from a diversity of backgrounds. We recognise that for Manchester to retain and develop its reputation, it must continue to be recognised as a safe night out for all. Proper promotion of the licensing objectives allows us to:
 - Support the sustainable development of our communities
 - Encourage full participation in the cultural life of the city
 - Tackle alcohol-related problems and encourage sensible drinking practices
 - Ensure Manchester retains its reputation amongst residents and visitors to the city.

We recognise that the Licensing Policy and implementation of the policy is part of a toolkit to help ensure Manchester has safe, diverse and welcoming venues. Continued improvement of the management of the venues can only be assured through the practical commitment of all relevant public agencies and venue

operators. We need to build on the success of the City Centre Safe promoting responsible venue management together with taking action against unacceptable bad practice. Operators of venues in Manchester have a social responsibility for their customers and the community near their businesses. There are clear benefits from successful venues and we welcome well-run, responsible businesses. Premises which provide a more varied offer than just the sale of alcohol can help to reduce the emphasis on drinking and thereby can help to better promote the licensing objectives. We would like to see more operators widening the appeal of their premises and thereby playing a role in combating binge drinking.

- (ix) Our policy supports the Government's National Alcohol Strategy and works alongside the city's strategies for crime reduction, alcohol, regeneration, transport, planning, culture and tourism.
- (x) This policy will be valid for three years. It may however be reviewed by the Licensing Authority at any time.

2. Manchester's Licensing Act Policy

In accordance with section 5 of the Licensing Act 2003 we must determine our Licensing Act policy every three years.

This is our first review of that policy. It gives us an opportunity to take a step back and look at the lessons we have learned regulating licensed premises over the past three years. It also gives us the opportunity to look forward and put in place the means to ensure that the four licensing objectives continue to be upheld over the next three years.

We have named this policy 'ensuring licensed premises meet the needs of their communities' because we recognise the importance of the Act in supporting the development of sustainable communities and sustainable economies. It is a vital tool in helping to keep our residents, especially our younger residents safe from the issues associated with alcohol misuse, tackling crime, disorder, and public nuisance; all issues that can affect our well-being and damage our quality of life, stifle growth and erode our communities. Operators have a social responsibility for the well being of their customers and the community in which they are located. We want to foster his social responsibility through educative means while taking enforcement action against those who do not take their responsibilities seriously.

Our policy not only complies with the Government's guidance (issued under s182 of the Licensing Act), but more importantly it is a statement of local priorities in the promotion of the licensing objectives.

It maps out how we as a Council will work with licensees, local residents/businesses and our partners in the police and fire services, as well as other Responsible Authorities, to ensure that licensed premises meet the needs of our communities.

To further that approach, we will:

- 1 Set up licensing forums in the North, South and Central areas of the city to encourage clearer communication and collaboration
- 2 Focus our efforts on tackling premises which allow drunkenness, underage drinking, public nuisance or compromise public safety.
- 3 Collate and evaluate evidence on the need for a Cumulative Impact Policy
- 4 Encourage licensed premises to consult regularly with local residents and businesses and encourage local residents and businesses to share their concerns with licensed premises and/or the Licensing Authority or Responsible Authorities.

Together we can meet these challenges and ensure that responsibly managed licensed premises get the recognition they deserve.

This policy will take effect from 7 January 2008.

2.1 The Council's Values

The policy takes full account of the Council's aims and objectives, and shares the Council's corporate values which are:



Pride in Our City. We take pride in our city and the contribution we make to its success. We are committed to continuously improving the quality of life in Manchester.



Community Focused. We recognise that a successful city relies on the success of its neighbourhoods and communities. We want to meet the aspirations of all Manchester citizens by empowering communities and embracing their diverse identities.



People Focused. People are at the centre of what we do. We will achieve an excellent standard of customer service by acting with speed, efficiency and respect.



Responsive and Accountable. We value the contribution of residents, employees and partners. We will communicate clearly and openly about our decisions and actions and the reasons for them.



Valuing Our Employees. We value our employees and we will support and encourage their development in working hard to deliver better services.

3. The Licensing Objectives

The four licensing objectives are:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm.**

All licensed premises will be continually monitored against these four objectives and operators of licensed premises must be proactive in their delivery at all times.

As a bare minimum this will normally mean:

- In the case of alcohol-serving venues, ensuring those who are drunk or underage are NOT served either directly or indirectly (where somebody purchases alcohol on their behalf)
- In the case of entertainment venues, preventing public nuisance and ensuring public safety
- In the case of late night refreshment venues, preventing disorder and tackling problems of litter and discarded food waste in the vicinity of the premises.

There are however a number of risks associated with the activities that licensed premises provide and the manner of their provision. All licence holders must identify the risks that apply to their premises and take prompt action to address them. Only in this way can operators prevent problems before they happen. While the list below is not exhaustive, potential risks include:

- Excessive drinking and drunkenness
- Disorderly and potentially violent behaviour on and in the vicinity of their premises
- Theft, vandalism and assault
- Anti-social behaviour and disorder at the premises and in the vicinity
- Customers creating noise and disturbance in the vicinity of the premises
- Loud or persistent noise from the premises
- The noise nuisance of car drivers arriving at or leaving premises
- Drug dealing & drug use
- Sale/use of offensive weapons
- Sale of contraband or stolen goods
- Glasses and bottles being used as weapons or causing accidents
- Spillages that may lead to accidents
- Overcrowding
- Fire and other emergency situations

- Lack of adequate safety provision during special effects/acts
- Litter, food waste and broken glass becoming an eyesore, attracting vermin and threatening safety
- Excessive lighting causing light pollution which disturbs neighbours
- Unwanted odours
- Sale of alcohol to under 18s or to those passing it on to under 18s
- Exposure of children to undesirable influences
- Exposure of children to drunkenness or the fall-out from drunkenness in the vicinity of the premises

In granting them a licence, premises have been given a mark of trust by the people of Manchester. Operators must recognise this trust and take appropriate steps to ensure that the way they manage their premises does not have a negative impact on the local community.

If licensed premises' operators fail to tackle risks associated with the activities they provide (alcohol, entertainment or late night refreshment) then they may fail to properly promote the licensing objectives.

Local residents/businesses affected by a licensed premises and Responsible Authorities: Greater Manchester Police, Environmental Health, Trading Standards, Planning, Fire Service and Manchester's Safeguarding Children Board may ask for a review of a licence at any time. This may result in suspension, revocation or modification of the licence, e.g. additional conditions being added to the licence or particular activities being removed from the licence.

4. The broader picture

Manchester's Licensing Act policy 2008-2011 works alongside existing council strategies (e.g. local crime prevention, regeneration, planning, transport, tourism, race equality, culture etc) and we will ensure continuing coordination and integration of these policies to maximise the positives of a safe licensed premises economy.

Our policy is guided by the four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Effective promotion of these four objectives supports:

- **Responsibly managed licensed premises**

Our policy recognises the huge role of licensed premises i.e. pubs, bars, restaurants, takeaways, cinemas, theatres and concert venues in our evening economy. It recognises that, for these businesses to prosper we must create an environment that allows them to attract customers; customers that may be deterred from entering the city, if crime, disorder and public nuisance are not effectively dealt with.

This policy allows responsibly managed premises which promote the licensing objectives the freedom to grow and develop. Our attention will be focussed on poorly managed premises.

- **Sustainable economic development**

Sustainable economic development is jeopardised if crime and disorder are tolerated, if public nuisance and public safety are compromised or if our children are not adequately protected from alcohol-related harm.

Our policy is part of a regulatory environment which allows for the responsible provision of alcohol, entertainment and late night refreshment. It allows for a vibrant evening and night-time economy that is accessible to all and exciting for everyone.

- **Tourism**

Manchester is well known for its bars, theatres, concert venues and restaurants, not to mention its sophisticated multicultural society and its trailblazing music.

Our policy recognises the vital role that these attractions play in making Manchester a leading European city and a popular place to live, work, study and visit. We also recognise the importance of keeping crime and disorder under control so as not to tarnish the city's reputation.

- **Community development and regeneration**

Our policy recognises that for Manchester to continue to regenerate and flourish, we must ensure that our communities are strong, skilful and successful. The better licensed premises bring people together to relax and socialise and are a proven asset to the community.

Our policy assists local regeneration by ensuring licensed premises meet the needs of local residents and businesses.

- **Promoting improved health**

The short term and long term effects of alcohol abuse are widely documented. Drunkenness, excessive drinking by teenagers and more long-term alcohol addiction can all have significant impacts on the health of the drinker and on those who come into contact with the drinker.

Our policy is extremely clear that premises, which allow alcohol to get into the hands of those who are drunk or underage, will not be tolerated. Our policy supports sensible drinking and premises that encourage sensible drinking.

- **Encouraging full participation in the cultural life of the city**

Our policy recognises that world-class cities offer a diversity of cultural provision and a huge variety of entertainment and leisure options.

Our policy seeks to ensure that this cultural diversity survives and prospers. While we will clamp down on irresponsibly provided licensable activities, we will not stand in the way of the development of richly diverse and responsible culture. The Council holds premises licences for many public spaces thereby sparing event organisers and buskers the time and expense of applying. Our policy seeks **to encourage operators to widen the appeal of their premises from just being alcohol consumption orientated premises.**

- **Encouraging the development of family friendly licensed premises which are open and accommodating to children**

In accordance with the statutory guidance we will not seek to place overly restrictive conditions on premises that promote family-friendly environments. While all licensed premises must ensure the protection of children from harm, how this is best achieved will be dependent on the nature of the premises and will not always be by excluding children.

Our policy will focus on ensuring the enforcement of the law concerning the consumption of alcohol by minors in order to ensure the protection of children from harm.

- **Safe access to public transport**

Demand for public transport is at a premium when licensed premises close. It is important that the potential for disorder at taxi ranks and bus stops is mitigated and that all users of the city enjoy a safe journey home. These problems will be partly addressed by flexible closing times in some cases, and the crackdown on drunkenness made possible under new licensing laws. Demand for public transport services will continue to be monitored and the licensing authority will work together with the police and transport authority to ensure that transport policy responds to local needs and conditions.

In developing the Council's statement of licensing policy, regard has been taken of the existing policies and strategies set out in the Greater Manchester Local Transport Plan. Arrangements are in place for licensing officers to report to local transport committees on the need to ensure that people are dispersed from town and city centres swiftly and safely when developing their policies.

5. Meeting the needs of local communities

5.1 Working together to ensure licensed premises are an asset to their communities

Licensed premises are an important part of our communities. They provide a place for people to get together, relax and enjoy themselves. However there can be problems if licensees do not take sufficient action to minimise any problems that may occur. It is important that licensees, local residents and other businesses, as well as bodies such as Greater Manchester Police, the Fire Service, Licensing, Environmental Health, Trading Standards, Planning and Manchester's Safeguarding Children Board work together.

1. We have been clear in this policy that all licensed premises must fully address the risks associated with the activities they provide.
2. If local residents and businesses do experience problems, it is important that they inform the licensee and/or the Licensing Authority or Responsible Authorities. Reporting the problem is the first step towards resolving the problem.
3. Where there are problems, local residents and businesses may want to contact their ward councillor, Greater Manchester Police, Environmental Health or Trading Standards. Local residents and businesses can also ask for a review of a premises' licence at any time. We would however advise them to also contact/write to the licensee, outlining the problems experienced and giving them the opportunity to address these concerns.
4. Where we receive applications for new premises or changes to existing premises (variations), local residents/businesses have 28 days to have their say. Details of these applications are available on the Licensing Unit website (see Appendix 5) and the applicant must place a notice on the outside of their premises and in a local newspaper.
5. As a Licensing Unit, we will build on the knowledge we have gained from regulating licensed premises in the last few years and set up licensing forums in the north, south and central areas of the city. This will encourage open dialogue between licensees, local communities and Responsible Authorities to ensure the promotion of the licensing objectives.

5.2 New licensed premises and changes in licensed premises operation

5.2.1 The power to 'have your say'

'Interested parties' that is residents and businesses in the vicinity of the premises can have their say whenever we receive an application for a new licensed premises or an application to vary the hours, activities or licence conditions of an existing licensed premises. Having your say in licensing terms is called 'making a representation' and there is a 28 day period from the time we receive the application for you to do so.

Details of new applications are displayed on the Licensing Unit's website (address as below) and the applicant is required to place a notice on the outside of their premises and in a local newspaper.

For representations to be considered relevant they must relate to the premises making the application and the effect of the grant on the licence on the licensing objectives and they must NOT be vexatious or frivolous. Representations can be made on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

For advice on making representations, please see www.manchester.gov.uk/licensing/act for guidance, contact Environment on Call on 0161 954 9000 or write to the Licensing Unit for further advice.

If no representations are received in respect of an application, the application must be granted as applied for including any conditions volunteered by the applicant.

Representations cannot be made anonymously. They must include the name and address of the individual or group e.g. residents' group making the representation. This gives the applicant the opportunity to adequately address the substance of the representation. There are mechanisms in place to handle anonymous complaints relating to noise through Environmental Health or about crime and disorder through GMP.

In some exceptional and isolated circumstances interested parties may be reluctant to make representations because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where we consider that the interested party has a genuine and well-founded fear of intimidation and may be deterred from making a representation because of this, we will look at alternative approaches e.g. advising the interested party to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. We may also look at withholding some or all of the interested party's personal details (where justified) from the applicant, giving only enough details (such as street name or general location within a street), which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises.

5.2.2 Hearings before elected councillors

If representations are received in respect of an application, a hearing is scheduled before a committee of elected councillors to consider the application and the representations. The committee may:

- Grant the application as applied for
- Apply additional conditions and/or
- Impose changes upon the licensable activities applied for
- Refuse the application.

Each case will be considered on its merits.

A hearing will not be held if ALL persons who made representations have had these concerns addressed after discussion with the applicant and therefore agree that a hearing is no longer necessary.

5.2.3 Imposing conditions on a licence

The licensing authority will not seek to impose standard conditions across all premises types and all activities, nor will it seek to impose conditions that duplicate other legislation.

Conditions attached to authorisations will be tailored to the licensable activities proposed and the manner of their provision. The only reason for imposing conditions will be to ensure the promotion of the licensing objectives. Conditions will be limited to matters which are within the control of individual authorisation holders i.e. matters relating to the premises and its vicinity. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the vicinity of licensed premises, and therefore beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned. Nonetheless licensing law is a key aspect of such control and part of an holistic approach.

Appendix 3 refers to a pool of model conditions set out in the Secretary of State's Guidance (June 2007) Annex D. These are not standard conditions to be imposed in all cases, but are examples of conditions which applicants may wish to consider including in their operating schedule.

Conditions will only be imposed by the licensing committee where relevant representations are received from interested parties or Responsible Authorities and the conditions are necessary in order to promote the licensing objectives.

5.2.4 Appeals against licensing authority decisions

There is a right of appeal against licensing authority decisions. Appeals may, depending on the nature of the application, be instigated by an applicant, an interested party or a Responsible Authority. Appeal applications must be made to Manchester City Magistrates' Court within 21 days of the decision notice being issued.

5.3 The ongoing responsibilities of licensed premises

5.3.1 Continuing to meet the needs of local communities

The responsibility to promote the licensing objectives does not stop when an authorisation is granted. In fact it is only just beginning.

Operators must continue to tackle the risks associated with the activities they provide. Examples of some steps they can put in place to tackle these risks are outlined in section 9 of this policy and include but are not limited to:

- **When providing alcohol**, ensuring those who are drunk or underage do not get served either directly or indirectly
- **When providing entertainment (e.g. live or recorded music)**, ensuring neighbours are not disturbed and ensuring public safety
- **When providing late night refreshment**, preventing disorder and ensuring the area around the premises is kept clean and tidy.

Where local residents/businesses do have concerns about local licensed premises, they should consider also writing to the licensee and their local councillor (as well as Environmental Health in the case of public nuisance and GMP in the case of crime and disorder). This gives the licensee the opportunity to address the problem, outside of a formal hearing.

If local residents or businesses feel the premises is still not adequately tackling risks associated with the activities they provide and there is therefore persistent failure to promote the licensing objectives, then there is the option of asking for a review of the authorisation.

Before asking for a review of an authorisation, local residents/businesses must first ask themselves:

1. Are your concerns related to the licensing objectives?

2. Can you (or residents/businesses closer to the premises) link your concerns to those particular premises?
3. Have you got any evidence to support your claims e.g. video footage, noise diaries, photographs, the agreement of others who live in the area that this particular premises is leading to licensing objective problems?
4. Have you spoken to Environmental Health, GMP, Trading Standards about the problems? They are the experts and may be able to support your case.

The request for a review of an authorisation will trigger a 28-day consultation period and then a hearing to determine what action, if any, is needed to achieve the licensing objectives. This may result in modification of the authorisation e.g. reduced hours and/or activities, further licence conditions, the removal of the Designated Premises Supervisor (DPS) or the suspension or revocation of the licence/authorisation.

6. The “Cumulative Impact” of licensed premises

Areas of High Concentration of Licensed Premises

In some areas there is a high concentration of licensed premises. The concentration of licensed premises need not be an issue in itself. Currently our primary concern is to tackle irresponsibly run premises. We need to ensure that we develop both a culture and practice of social responsibility. We will engage all stakeholders including public agencies, local businesses and local communities in this process to ensure we develop and adopt a social responsibility framework within which our licensing policy can play an active and effective role.

Licensing policy is not the only means by which we can control the potential negative impacts of a high concentration of premises selling alcohol. We work together with partners including the Police, local businesses, and transport operators to implement a wide range of measures which include the following:-

- Implementation of a multi-agency approach with a package of measures involving both prevention and enforcement
- Creation of a more joined up approach to our licensing, regeneration and planning policies
- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of the Council to designate parts of the city as "alcohol control areas" where alcohol may not be consumed publicly
- Police enforcement of the general law concerning disorder and antisocial behaviour including the issuing of fixed penalty notices
- The prosecution of any personal licence-holder or member of staff at licensed 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 the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in questions.

Cumulative Impact Special Policy

A Cumulative Impact Special Policy is a means by which problem areas can be tackled where no one particular premises is responsible for the problems but it is the sheer numbers of premises in the area that cause a problem along with the volume of people they attract to the area. The presumption would be that new or variations for licenses are not permitted in a special policy area.

However, the imposition of a cumulative impact policy does not mean that all new licenses will be refused if an applicant can prove that the new premises will have a positive impact on the area then this application would be likely to be approved. The introduction of a cumulative impact policy in a particular area should therefore not be seen as a means to stifle the development of an area as it does not necessarily prevent new licensed premises from opening but only ensures that the nature of these premises will be such that they will add positively to the area. For example an applicant wanting to open a small restaurant that does not add to the existing problems and positively promotes the licensing objectives will not be prevented from opening in such an area but a nightclub with a large capacity that will only exacerbate the existing problems will not normally be granted permission.

Within the licensing policy there is a clear procedure for determining what action is required to tackle cumulative impact and what steps are necessary to consider whether it is appropriate to develop a cumulative impact special policy area. Before deciding a policy of cumulative impact for a particular area the licensing authority will hold an open meeting with local residents and local businesses so that the local community can express its views. The licensing authority will also consult with

- The Chief constable of Greater Manchester Police
- Greater Manchester Fire & Rescue Authority
- Representatives of premises licence-holders and club premises certificate-holders
- Representatives of personal licence-holder
- Representatives of businesses and residents in the area
- Any others considered appropriate

Once decided, any cumulative impact policy will be reviewed on a regular basis to assess whether it is still needed or if it needs expanding.

To address the potential risks of cumulative impact a multi-agency approach needs to be undertaken with targeted actions against identified premises. At this time we recognise that action on existing premises is the greatest priority and that a few irresponsibly run premises are likely to be skewing the nature of the street environment. This highlights the need for a social responsibility framework for licensed premises. It also highlights the need for a multi agency approach to target action now against irresponsibly managed premises in areas of high concentration of licensed premises.

Together with our partners we will continue to develop an evidential basis to determine the effects of a Cumulative Impact Policy and therefore determine the need for such a policy. To determine whether we need Cumulative Impact Policy special areas in Manchester we will be taking the following steps:

- Determining what works in reducing cumulative impact
- Challenging the license trade as to how they can create a more diverse licensing offer
- Collating comprehensive evidence which shows the impact of licensing on the quality of life of local residents
- Considering tailor the package of measures to meet the specific needs of geographic areas in the city depending on the problems involved

Overall what we are seeking to achieve is properly run premises that are committed to the well being of their local community.

7. Licensing Forums

We acknowledge the need to encourage an open dialogue between local communities, operators of licensed premises and Responsible Authorities to ensure problems are tackled promptly and proportionately.

Such dialogue will assist operators of licensed premises in the promotion of the licensing objectives and thereby prevent, crime, disorder, public nuisance, accidents and underage drinking etc.

The Licensing Unit will, therefore, establish three Licensing Forums in the North, South and Central areas of the city.

These three forums will bring together:

- Those who live or work in the vicinity of licensed premises
- Those who represent local residents/businesses
- Responsible Authorities

- Planning
- Environmental Health
- Trading Standards
- Greater Manchester Police
- Manchester's Safeguarding Children Board
- Greater Manchester Fire Authority

- Primary Care Trusts
- Drug & Alcohol Action Team (DAAT)
- Crime and Disorder Reduction Partnership
- Pub & Club Watch
- Licensed trade representatives

The Forums will meet regularly to keep on top of problems, share good practice, and formulate appropriate action plans to proactively tackle any problems.

8. Applications for alcohol, entertainment and/or late night refreshment

8.1 “Licensable Activities”

It is lawful to do any one or more of the three licensable activities below under and in accordance with a Premises Licence, a Club Premises Certificate (CPC) or a Temporary Event Notice (TEN):

- 1 Sale or supply of alcohol
- 2 Provision of regulated entertainment.
- 3 Provision of late-night refreshment.

8.1.1 Exemptions

Some activities may take place without a licence or other authorisation. These include:

- Incidental music (live or recorded).
- Entertainment at a place of public religious worship, or as part of a religious service.
- Private events, for example a party in a private house.
- Garden fêtes that are not for private gain.
- Spontaneous singing and dancing.
- Educational films or those that advertise products.
- Films shown as part of an art exhibition.
- Morris dancing.
- Service of hot food or drink to hotel or guesthouse residents.
- Provision of hot food or drink by registered charities, such as ‘soup kitchens’.
- Provision of entertainment on board moving vehicles.
- TV and radio broadcasts.

It is an offence to carry out any licensable activity otherwise than under and in accordance with an appropriate licence, and if convicted, offenders can be sentenced to a fine of up to £20,000, six months imprisonment or both.

8.2 The Premises Licence/Club Premises Certificate

Applications for a new premises licence or club premises certificate, and applications to vary an existing premises licence or club premises certificate must be made to the Council’s Licensing Unit and copies sent to each of the Responsible Authorities.

These Responsible Authorities include Greater Manchester Police (GMP), Greater Manchester Fire & Rescue Authority, the Council’s Environmental Health, Trading

Standards and Planning services, as well as the Manchester Safeguarding Children Board. (See Appendix 5 for their contact details)

Applicants must describe in the operating schedule section of their application the measures they will put in place to properly promote the licensing objectives. Some suggestions are made in section 9 of this policy.

The measures set out in the operating schedule will then become the conditions of the licence, along with any other conditions which may be attached by the licensing authority following a hearing. Failure to comply with any licence condition is a criminal offence, punishable by fine or a prison sentence on conviction.

The applicant is required to display a notice visible from the outside of the premises and place a notice in a newspaper circulated in the vicinity of the premises which briefly summarises the application.

While it is not required by the legislation, it is also suggested that applicants do a mail drop to properties in the vicinity of the premises. This will give applicants an early indication of any concerns local residents/businesses may have and gives the applicant the opportunity to address them informally. As a general principle, it is usually better for operators of licensed premises to be aware of any concerns and reach a compromise, than to be out of touch with their community.

The planning and licensing regimes involve consideration of different (albeit related) matters and as such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Where the hours granted by planning are different to the licensing hours, the applicant must observe the earlier closing time.

The granting by the licensing committee of any variation of an authorisation which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

Premises operating in breach of their planning permission will be liable to prosecution under planning law.

8.3 The Personal Licence

The sale or supply of alcohol in premises covered by a premises licence must always be authorised by a personal licence-holder, aged 18 or over.

An application for a personal licence is made to the licensing authority where the applicant lives not where they work.

8.3.1 The Designated Premises Supervisor (DPS)

Every premises that is covered by a premises licence and sells or supplies alcohol must have a Designated Premises Supervisor (DPS) specified on the premises licence. This person is usually responsible for the sale of alcohol and they must hold a personal licence.

The need for a DPS or another personal licence holder to authorise the sale of alcohol recognises that the provision of alcohol is unlike the provision of entertainment or late night refreshment; sale to those who are drunk or underage can have wide-reaching effects on the local community in terms of crime, disorder, public nuisance and antisocial behaviour.

As such being the DPS brings with it certain responsibilities:

- It is the responsibility of the DPS to ensure alcohol isn't served to those who are drunk/underage either directly or indirectly.
- Every sale or supply of alcohol must be authorised by a personal licence holder.

We do not expect the DPS to be on the premises at all times, however the DPS must be able to maintain substantive control over the premises and is the individual responsible for the day-to-day running of the premises.

Where a DPS is to be absent from the premises, we recommend that the DPS leave a written authorisation for alcohol to be sold with the most senior person on duty.

The police may object to the appointment of a DPS, on the grounds of preventing crime and disorder. Where an objection to the appointment of a DPS is received a hearing will be held by the Licensing Authority.

8.4 The Temporary Event Notice (TEN)

In the case of one-off events where there will be fewer than 500 people in attendance at any one time, organisers simply need to submit a Temporary Event Notice (TEN) to the licensing authority and the police to inform them of the event.

The notice *must* be submitted *no later than* 10 working days before the day the event is due to take place. However we would recommend that event organisers submit a notice at least 15- 20 working days (that is three to four weeks) before the event in case an objection is made by the police and there is a need to hold a hearing to consider the objection.

As we have stressed, early submission is not a legal requirement. However, some event organisers have left it to the last minute, incorrectly calculated working days or omitted vital information from their notice and we have not been able to accept their TEN and the event has had to be cancelled.

If the police object to the event you propose, the licensing authority will hold a hearing and consider whether the event can go ahead and in what form.

Please note that lodging a TEN does not exempt you from any requirements under planning law for appropriate permission.

8.5 Large scale time-limited events requiring premises licences

Temporary events may range from relatively small local events, like traditional performances of a play, which may last for five days, to major pop festivals lasting only one day. The largest temporary events may attract huge crowds of over 100,000 people and the risks to public safety and to crime and disorder as well as public nuisance may be considerable.

The Licensing Authority expects to receive very early notice of such major events to allow responsible authorities to discuss operating schedules with the organisers well before a formal application is submitted. Many of these applications will give rise to special considerations in respect of public safety. Operating schedules should therefore reflect an awareness of these matters and in particular, advice given in the following documents will be relevant:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)
- Managing Crowds Safely (HSE 2000)
- Steps to Risk Assessment: Case Studies (HSE 1998)
- The Guide to Safety at Sports Grounds (The Stationary Office, 1997)
- Safety Guides for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network (See www.streetartsnetwork.org.uk/pages/publications.htm)
- Fire Safety Risk Assessment – Open Air Events and Venues (see www.communities.gov.uk/fire)

For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule; the Licensing Authority should offer advice and assistance about its preparation. In particular, the Licensing Authority should act as a coordinating body for the input from the responsible authorities.

9. Promoting the Licensing Objectives

9.1 Steps licensed premises can take to prevent problems

We recognise that licensed premises come in different shapes and sizes and provide different activities. A venue's offer may be geared to alcohol, entertainment, late night refreshment or a combination of two or more of these activities. Venues may be large or small, with high occupancy or low occupancy, in urban or suburban areas, with a predominantly young clientele or a mix of all ages.

How operators of different licensed premises promote the licensing objectives varies from premises to premises. For example:

- Premises that supply alcohol will have different demands on them than those that do not
- High occupancy premises will have different issues to consider particularly in the areas of public nuisance, public safety and crime and disorder than low occupancy premises
- Premises with a predominantly young clientele will have different issues to consider than those frequented by a mixed age group

There is no definitive list of control measures that could (or should) be introduced by all premises. Licensed premises are assessed according to the activities they provide and the manner of their provision. Steps should be in place to proportionately address the individual risks of each premises' activities.

Preventing crime, disorder, public nuisance, ensuring public safety and protecting children (those aged under 18) from harm are ongoing responsibilities for all licence holders. Premises operators should address the risks relating to the activities their premises provides. Failure to do so may result in the licence being reviewed and subsequently suspended or revoked.

Licensees are encouraged to be both imaginative and proactive, seeking advice from Responsible Authorities and other local organisations that have professional advice to offer.

We recommend that operators

- 1 Read this policy carefully – reading it indicates you are taking the promotion of the licensing objectives seriously
- 2 Think about the activities you provide, the risks from those activities and the appropriate steps to tackle them

- 3 Consult local residents and local businesses and the Responsible Authorities. How do they feel about your operation? Are they currently experiencing problems?
- 4 Take action to put steps in place that will address risks and meet the concerns of your community.
- 5 Consider whether you need to apply to vary your licence to ensure that you have all necessary measures in place to meet the four licensing objectives. This can reassure local residents and businesses and the Responsible Authorities that you take your responsibilities seriously and are a valuable asset to the community.

We have outlined a number of risks in the section (below), which can negatively impact on the promotion of one or more of the licensing objectives. We have categorised these according to the licensable activity they are most commonly associated with, be it provision of alcohol, entertainment or late night refreshment. Not all premises will experience all of the highlighted risks, nor are the suggested measures the only means to tackle these risks, however there is an expectation that **operators of new and existing licensed premises will have appropriate measures in place to fully address any risks identified at their premises**. We expect to see a commitment from operators to continuous improvement implementing and instigating best practice to meet the licensing objectives.

ALL PREMISES – some potential risks and some possible solutions

What measures will you put in place to prevent theft from customers and robbery from the premises?

- We will use Raid-control™ (see www.raid-control.org), or a similar system that incorporates robbery awareness training, cash minimisation, time delay systems, image capture systems, indelible note staining or other deterrents
- We will train staff to identify suspicious behaviour and take appropriate action
- We will use CCTV
- We will make use of nightnet radio, install panic alarms and arrange for regular cash collections
- We will employ security staff if problems regularly occur
- We will ensure staff monitor all parts of the premises during opening hours.

What measures will you put in place to ensure your premises are suitable for the activities taking place there?

- We will consult Greater Manchester Fire Authority and other Responsible Authorities

- We will put a safety plan into practice incorporating fire safety inspections and maintenance, staff training which includes first aid and emergency procedures, minimum staffing levels and a system for recording actions taken
- We will carry out regular inspection and maintenance of fire extinguishers
- We will develop a maintenance schedule that includes exterior features like roofs (to prevent risks from loose objects etc.) and car parks (for potholes, debris etc).

What measures will you put in place to protect property in and around your premises (including customer car parks) from theft and vandalism?

What measures will you put in place to protect people in and around your premises from robbery and assault?

- We will use CCTV
- We will ensure car parks are adequately lit with motion detectors to avoid energy waste and public nuisance from excessive lighting
- We will seek further advice from our local GMP crime reduction adviser.

What measures will you put in place to deal with fire and other emergency situations?

- We will introduce comprehensive fire safety precautions
- We will develop and implement evacuation procedures that take account of disabled customers, and conditions within the premises
- We will use PAVA (Public Address Voice Alarm) systems instead of the less effective bell or klaxon alarm signals. Music and other noise will be turned off immediately an emergency situation arises
- We will train all staff in the safe handling of emergencies and emergency protocols
- We will keep emergency exits unlocked and clear at all times
- We will carry out, and keep an accurate record of, regular safety inspections.

Excessive lighting can be a significant public nuisance where your premises is in sight of residential properties, what measures will you put in place to prevent this?

- We will consult with all residents in sight of our premises
- We will avoid over-bright signage, over-lit interiors, flashing lights and laser effects.

How will you ensure the area around your premises is clear of litter from your premises?

- We will clean the area around the premises regularly from the time of opening up until and including a final clean after the time of closing.

How will you prevent toilets from being a magnet for sexual assault, accidents and conflict?

- We will ensure that sufficient toilets are available, with an appropriate number of male/female toilets as per British Standards
- We will ensure sufficient lighting levels
- We will keep toilets clean, well stocked; clearing spillages promptly to avoid accident
- We will install toilet attendants if problems occur

How will you prevent flyers becoming a source of litter?

- Where we distribute flyers, we will ensure we have the necessary licence and take responsibility for picking up dropped flyers in the vicinity.

PREMISES PROVIDING ALCOHOL FOR CONSUMPTION “ON” THE PREMISES – some potential risks and some possible solutions

What measures will you put in place to prevent drunkenness on your premises?

- We will train staff to recognise those who are drunk and be vigilant in not serving those who are drunk or passing on alcohol to those who are drunk
- We will ensure sufficient staffing and managerial support to make the identification and non service of those passing on drinks practicable
- We will refuse entry to those who have had too much to drink
- We will train staff to handle potential troublemakers and defuse difficult situations.
- We will ensure that staff training is carried out regularly and includes knowledge testing and that all training is documented
- We will, where drinking promotions are used, adopt good practice such as those published by the Portman Group, and by the British Beer and Pub Association www.beerandpub.com.

What measures will you put in place to prevent underage drinking on and around your premises?

- We will adopt a well-publicised challenge 21 policy; asking those who appear to be under 21 to produce appropriate ID proving they are over 18 before considering serving them
- We will refuse service to those we believe to be passing on alcohol to under 18s (except where over 18s are buying beer, wine or cider for 16 or 17 year olds for consumption with a table meal)
- We will give all relevant staff appropriate accredited training on the law relating to alcohol and those aged under 18 (for example a 'Responsible Retailing' course)
- We will ensure sufficient staffing and managerial support to monitor outside areas and make the identification and non service of those passing on drinks to under 18s practicable
- We will report those who pass on drinks to under 18s to the police
- We will use a 'refusal book' to record details of instances where staff have refused a customer thought to be under age
- We will use CCTV.

How will you prevent the noise nuisance from outside drinking?

- We will limit the number of people using outside areas
- We will ensure that drinkers remain seated and that they do not drift from the seated area (e.g. using barriers at those times where this is identified as a problem)
- We will advise noisy customers to keep the noise down and ask them to leave if they disregard our advice
- We will determine a closing time on the use of outdoor areas in consultation with local residents

What measures will you put in place to prevent disorderly and potentially violent behaviour both on and in the vicinity of your premises?

- We will use CCTV
- We will use text and radio pager systems such as NiteNet™ to report incidents to the police and keep in contact with other venues (especially important in town and city centres with a high concentration of licensed premises)
- We will determine sensible occupancy limits according to the nature of the premises and activities being carried out
- We will train staff to handle potential troublemakers and defuse difficult situations
- We will seek further advice from local police, Pub and Club Watch schemes, and the City Safe project.

How will you avoid overcrowding?

- We will determine sensible occupancy limits according to the nature of the premises and activities being carried out
- We will use clickers to monitor and manage occupancy levels.

How will you prevent drug dealing on and around your premises?

How will you prevent offensive weapons being brought on to your premises?

How will you prevent the sale of contraband or stolen goods?

- We will install strategically located closed-circuit TV cameras inside and outside premises to deter/monitor illegal activity (footage can be used as legal evidence)
- We will provide accredited staff training on these issues and ensure staff are on the look out for suspicious behaviour
- We will adopt and participate in Manchester's Safer Clubbing campaign
- We will ban known offenders and share information with GMP and licensed premises in the area
- We will consult our local GMP crime reduction adviser.

How will you prevent drug taking on your premises and protect customers from harm?

- We will make customers aware of the risk of drink-spiking
- We will train staff in drug awareness issues and ensure sufficient staffing and managerial support to make identification and handling of incidents practicable
- We will provide free drinking water to counter dehydration (self-service in venues with facilities for dancing).

How will you reduce the risk of glasses and bottles being used as weapons and causing accidents?

- We will ensure glasses and bottles are collected on an on-going and frequent basis, make regular inspections for broken glass and clear up glass and any spillages immediately
- We will, at those times where there is a risk of incident, use safety glass
- We will ensure drinks containers are not taken from the premises.

What measures will you put in place to clear away food and drink waste promptly and effectively?

What measures will you put in place to clear away broken glass promptly and effectively?

How will you prevent flyers becoming a source of litter?

- We will ensure sufficient staffing to promptly and thoroughly clear the entire area where food or drink has been consumed, ensuring tables are properly wiped down and that spillages are promptly cleaned up
- We will ensure all relevant staff receive hygiene and food handling training
- We will remove glasses promptly when empty
- Where we distribute flyers, we will ensure we have the necessary licence and take responsibility for picking up dropped flyers in the vicinity.

What will you do to ensure the area around your premises is clear of litter from your premises?

- We will clean the area around the premises regularly from the time of opening up until and including a final clean after the time of closing.

How will you prevent disturbance to local residents from customers arriving and leaving your premises late at night?

- We will consult local residents on their preferred closing time and come to an agreement
- We will display telephone numbers for taxi firms in a prominent location and provide a facility for customers to order cabs or operate a taxi call back service
- We will implement a 'winding down period' during the last hour of service
- We will ensure signs are in place asking customers to leave quietly
- We will ensure signage and staff remind customers to keep noise down as they leave
- We will hand out lollipops to customers as they leave
- Ensure that people don't congregate/queue outside premises
- We will have a detailed dispersal policy in place and train all relevant staff in its operation.

What measures will you put in place to ensure that local residents and local businesses are not upset by loud or persistent noise?

- We will consult local residents on what noises disturb them and take steps to remedy these issues

- We will avoid emptying bins into skips, especially if they contain glass after 9pm and before 9am (10am on weekends)
- We will instruct suppliers not to make deliveries after 9pm and before 9am (10am on weekends)
- We will avoid refuse collections after 9pm and before 9am (10am on weekends)
- We will ensure that noise from regulated entertainment is kept to a level that does not cause disturbance to local residents.

It is an offence to allow unaccompanied under 16s into primarily drinking venues. However family friendly premises typically experience fewer problems of crime, disorder and public nuisance. What measures will you put in place to create a safe, child-friendly environment?

- We will ensure vigilance re. the sale of alcohol to under 18s, to those who are drunk and to those passing on drinks to under 18s/those who are drunk
- We will ensure those who are drunk do not gain entry to the premises and those who become drunk on the premises are asked to leave (N.B. It is an offence to serve those who are drunk)
- We will specify areas, activities and times that are suitable for children instead of merely placing restrictions on access to those areas, activities and during those times that are inappropriate.

How will you prevent customers leaving trails of vomit and urine in the vicinity of your premises?

- We will be vigilant in not serving those who are drunk or those passing on drinks to those who are drunk
- We will ensure toilets are well signposted especially near the exit to the premises
- We will ensure there are adequate toilet facilities in place
- We will refuse entry to those who are drunk
- We will clean the areas immediately outside our premises of any vomit or urine should this occur.

PREMISES PROVIDING ALCOHOL FOR CONSUMPTION “OFF” THE PREMISES – some potential risks and some suggested solutions

What measures will you put in place to prevent underage drinking on and around your premises?

- We will adopt a well publicised challenge 21 policy; asking those who appear to be under 21 to produce appropriate ID proving they are over 18 before considering serving them
- We will refuse service to those we believe to be passing on alcohol to under 18s
- We will give all relevant staff appropriate accredited training on the law relating to alcohol and those aged under 18 (for example a ‘Responsible Retailing’ course)
- We will ensure sufficient staffing and managerial support to monitor outside areas and make the identification and non service of those passing on drinks to under 18s practicable
- We will report those who pass on drinks to under 18s to the police
- We will use a ‘refusal book’ to record details of instances where staff have refused a customer thought to be under age
- We will use CCTV inside and outside and make it available to authorities on request.

How will you prevent people gathering around the premises and causing a disturbance?

- We will train staff how to recognise and refuse service to customers who have had too much to drink, how to handle potential troublemakers and how to defuse difficult situations
- We will not serve those who are drunk
- We will install external CCTV cameras and ensure good exterior lighting
- We will alert the police to any gatherings of people causing a disturbance
- We will play classical music and other musical styles inside the premises which may deter potential troublemakers from gathering.

How will your prevent disturbance to local residents from customers arriving and leaving your premises late at night?

- We will consult local residents on their preferred closing time and come to an agreement
- We will have a detailed dispersal policy in place and train all relevant staff in its operation
- We will provide a facility for customers to order cabs
- We will display telephone numbers for taxi firms in a prominent place
- We will ensure signs are in place asking customers to leave quietly

- We will ensure staff remind customers to keep the noise down as they leave.

What measures will you put in place to ensure local residents and local businesses are not disturbed by loud or persistent noise?

- We will consult local residents on what noises disturb them and take steps to remedy these issues
- We will avoid emptying bins into skips, especially if they contain glass before 9am (10am on weekends) and after 9pm
- We will instruct suppliers not to make deliveries after 9pm and before 9am (10am on weekends)
- We will avoid refuse collections after 9pm and before 9am (10am on weekends).

PREMISES PROVIDING ENTERTAINMENT – some potential risks and some suggested solutions

What measures will you put in place to avoid overcrowding?

- We will determine sensible occupancy limits according to the nature of the premises and activities being carried out
- We will use clickers to monitor and manage occupancy levels.

Where your entertainment involves special effects, what measures will you put in place to ensure customer and staff safety?

- We will carry out risk assessments for all activities on our premises, and implement the outcomes
- We will give clear notice to customers of the use of any special effects e.g. strobe lighting, dry ice or foam (where customers may experience negative reactions)
- We will consider the special effects to be used and think carefully about the numbers of people we admit and ensure premises are not overcrowded.

What measures will you put in place to ensure public safety where entertainment is to be offered which presents specific risks to the public (e.g. hypnotism or raves)?

- Where we hold dance events, we will introduce measures outlined in the 'Safer Clubbing' guide.
See www.drugs.gov.uk/ReportsandPublications/Communities/1034174284
- We will investigate risks associated with the activity in question and put in place appropriate control measures to promote the licensing objectives
- We will consider the model conditions for stage hypnotism set out in the Annex to Home Office Circular No 39/1996. www.homeoffice.gov.uk/docs2/hoc9639.html
- We will ensure that the audience is kept apart from the performer (where necessary).

How will you prevent disturbance to local residents from customers arriving and leaving your premises late at night?

- We will consult local residents on their preferred closing time and come to an agreement
- We will display telephone numbers for taxi firms in a prominent location or provide a facility for customers to order cabs and display telephone numbers for taxi firms in a prominent place
- We will ensure signs are in place asking customers to leave quietly
- We will ensure staff remind customers to leave quietly/keep the noise down.

What measures will you put in place to ensure that local residents and local businesses are not affected by loud or persistent noise?

- We will consult local residents on what noises disturb them and take steps to remedy these issues
- We will avoid emptying bins into skips, especially if they contain glass after 9pm and before 9am (10am on weekends)
- We will instruct suppliers not to make deliveries after 9pm and before 9am (10am on weekends)
- We will avoid refuse collections after 9pm and before 9am (10am on weekends)
- We will consult local residents and agree terms before committing to an event that involves amplified music or other loud noise
- We will introduce efficient soundproofing and systems to limit sound levels at all music and live entertainment venues, taking into account types of property and the effect of different sound frequencies
- We will keep windows and doors closed
- We will agree sound levels with DJs and sound engineers in advance, and enforce them during the event

- We will set a reasonable curfew for live entertainment and turn down recorded music after an agreed time.

Where you provide adult entertainment, what measures will you put in place to ensure that those engaged in striptease, lap dancing, pole dancing, erotic dancing etc. are protected from assault or harassment and that sexual services are not taking place?

- We will put in place written codes of conduct for performers to prevent physical contact between performers and customers, and enforce them strictly
- We will prominently display the rules of the club throughout the premises, including the entrance and bar areas
- We will ensure adequate supervision by trained staff, for example door supervisors, to ensure compliance with club rules
- We will use CCTV throughout the premises
- We will make private dressing areas available to performers
- We will consider the safety of staff/performers when leaving premises, for example by providing safe transport.
- We will not allow entry to under 18s and will put in place suitable controls to prevent them gaining entry
- We will ensure sufficient and suitably qualified staffing to protect performers.

What measures will you put in place to prevent the nuisance and disruption of an influx of cars when organising large events?

- We will speak to the council about setting up one off or ongoing 'park and ride' facilities
- We will liaise with public transport providers to find suitable solutions
- We will come to an arrangement with a local bus company to provide transport from key areas
- We will provide a facility for customers to order taxis
- We will organise secure local car and cycle parking (including access that does not cause congestion)
- We will ensure signage and perimeter officials to both advise people to leave quietly and ensure that they do not congregate.

PREMISES PROVIDING LATE NIGHT REFRESHMENT - some potential risks and some suggested solutions

What measures will you put in place to keep your premises trouble-free?

- We will employ sufficient staff to keep down queues that lead to noise and aggression
- We will consider the introduction of mellow, chilled background music to create a calming environment.

What measures will you put in place to clear away food and drink waste promptly and effectively?

- We will ensure sufficient staffing to promptly and thoroughly clear the entire area where food or drink has been consumed; ensuring tables are properly wiped down
- We will ensure all relevant staff receive hygiene and food handling training
- We will supply adequate, prominently positioned and regularly emptied litterbins with clear signage to indicate that they are there to be used (particularly at fast-food takeaways). If necessary, empty them more often at peak business times.

How will you prevent disturbance to local residents from customers arriving and leaving your premises late at night?

- We will consult local residents on their preferred closing time and come to an agreement
- We will provide a facility for customers to order cabs
- We will display telephone numbers for taxi firms in a prominent place
- We will ensure signs are in place asking customers to leave quietly
- We will ensure staff remind customers to keep the noise down as they leave.

What measures will you put in place to ensure that local residents and local businesses are not disturbed by loud or persistent noise?

- We will consult local residents on what noises disturb them and take steps to remedy these issues
- We will avoid emptying bins into skips, especially if they contain glass after 9pm and before 9am (10am on weekends)
- We will instruct suppliers not to make deliveries after 9pm and before 9am (10am on weekends)
- We will avoid refuse collections before 9am (10am on weekends) and after 9pm.

Where your premises stores, prepares or disposes of food, how will you prevent unwanted food odours from becoming a nuisance to your neighbours?

- We will keep all waste in covered bins
- We will ensure sufficient extraction and ventilation systems are in place, that these are well maintained and that they do not make excessive noise.

9.2 Putting plans into practice

Licensed premises will be continually monitored on how they impact on their local communities. A great many licensed premises are real assets to their communities; their operators are keen to tackle risks and prevent problems before they happen. There are however other premises that can go further (sometimes much further) to reduce their negative impact. Where operators fail to adequately address the concerns of local residents/businesses with respect to crime, disorder, public nuisance, their premises may have its licence reviewed at any time. In short, it is not about what operators say they will do, it is about what they actually do.

When licensed premises are given a licence, they are given a mark of trust by the people of Manchester. They undertake that their premises by its operation will not cause local residents and local businesses to be disturbed by drunken nuisance, by alcohol-fuelled antisocial behaviour, by takeaway litter, by vandalism or violence.

Putting plans into practice to tackle these problems may require, amongst other things:

- **Regular consultation with residents/businesses in the local vicinity**
- **Participation in the local licensing forum if requested**
- **Comprehensive staff training**
- **Full management support**

Regular consultation with residents/businesses in the local vicinity

We do not want premises to lose their licences, we want to see them benefit from being able to provide the hours and the activities their customers and communities want. This means licensees should regularly consult with their local communities to inform them of the hours and activities they provide, gauging their concerns and addressing these.

For some premises, consultation (which could involve a mail drop) may include only those who live or run businesses within the immediate vicinity of the premises, for other

premises it may be a much wider area. Your first mail drop should be wide so as to not miss anybody. Operators should never assume that only those within the immediate vicinity of their premises are affected by their premises' activities.

Participation in the local licensing forum if requested

Working in partnership with Responsible Authorities, interested parties and other stakeholders in responsible licensed premises management is of critical importance. We may ask operators of licensed premises to participate in licensing forums, which are soon to be established.

Comprehensive staff training

All front of house staff should be trained on the risks associated with the activities their premises provides, the steps that are in place to address these risks, the responsibilities of staff members (including offences), and the importance of partnership working with local residents/businesses, statutory authorities etc.

All staff should be made aware of the conditions attached to the premises licence and the importance of complying with them.

It is critical that a licensee's entire workforce is well trained and aware of their responsibilities despite the high staff turnover that is typical of the licensed trade. Training should be repeated on a regular basis, documented and knowledge tested to ensure skills and knowledge are up to date and employed on a day to day basis.

Full management support

Good quality staff training is nothing if it is not supported by management e.g. refusal of alcohol service should be the bar persons decision and fully supported by managers. Managers should be fully aware of the risks of losing the licence and/or prosecution and should provide an appropriate level of support and staffing to make refusal practicable. Managers should also carry out regular assessments to ensure that the highest standards are maintained at all times.

Operators of licensed premises in areas where there are clusters of licensed premises will have to be particularly considerate. These operators will need to take up good management practices so that the risks, such as increased levels of crime and disorder and public nuisance from the cluster of premises is not realised. . Due to the higher levels of risk, operators in such areas must refuse access to those who are drunk or disorderly, refuse service to those who are drunk or disorderly and refuse service to those who are passing on drinks to those who are drunk or disorderly. Failure to do so may mean staff risk prosecution and the premises may lose its licence.

The proper promotion of the licensing objectives can ensure the activities of licensed premises have a positive rather than a negative effect on their local communities. As such licensees are responsible not only for how their activities impact upon those on their premises but also upon those in the vicinity of their premises.

9.2.1 Preventing crime and disorder

Drunkenness and underage drinking often lead to crime and disorder. The effects of alcohol can both increase the likelihood of criminal behaviour and increase the likelihood of becoming a victim of crime. Alcohol-related crime costs the UK £7bn per year and has a massive social impact.

Licensed premises can by their management ensure that alcohol is consumed sensibly and responsibly. They can take steps to ensure that alcohol is not served to those who are drunk or under age and they can take steps to ensure those who are passing on alcohol to those who are drunk or under age are not served.

The challenge ahead is to reduce drunkenness, reduce underage sales and thereby reduce alcohol-related crime and disorder. People want to use licensed premises and our town and city centres without feeling they may be in danger. We will work closely with the operators of licensed premises and our partners to tackle these problems.

Conditions attached to premises licences and club premises certificates will, so far as possible, complement local crime prevention strategies.

9.2.2 Promoting public safety

We need to ensure public safety both at licensed premises and in the vicinity of licensed premises. Alcohol consumption, overcrowding, lack of adequate premises maintenance, poorly managed entertainment, insufficient lighting, discarded food waste and lack of proper cleaning with respect to spillages etc can all have a negative impact on public safety and operators must tackle the risks associated with the activities their premises provides.

9.2.3 Preventing public nuisance

Licensed premises bring people together and as such are one of the key building blocks of our communities. They can however, if not well managed, have a detrimental effect in terms of noise nuisance (from the premises itself or from their customers), excessive lighting, litter, broken glass, food and drink waste, urine and vomit and damage to the fabric of our communities. It is important that we work with licensees to eliminate these negative side effects.

9.2.4 Protecting children from harm

Licensees should note that their responsibility to protect children from harm applies to under 18s on the premises AND in the immediate vicinity of the premises.

Wherever possible, and where permitted by law, under 18s should be allowed access to licensed premises. The law around not serving under 18s should however be respected at all times and staff training put in place to ensure their protection. Each case will be considered on its merits and there is no presumption in favour or indeed against children's access. However certain areas will give rise to particular concern:

- 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
- With a known association with drug taking or dealing
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

Furthermore care must be taken around not serving those who may be passing on drinks to under 18s except in the context of a meal. Responsible licensed premises can provide a safe environment for under 18s and allow them to socialise and communicate with those of different age groups. Excluding under 18s from the premises does not absolve operators from responsibility for protecting under 18s in the vicinity of the premises.

There are a range of alternatives for limiting access of children where that is necessary for the prevention of harm to children. These, which can be adopted in combination, include:

- Limitations on the hours when children may be present

- Limitations excluding the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Age limitations (below 18)
- Requirements for accompanying adults
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

Conditions **requiring** the admission of children to any premises cannot be attached to licence or certificates.

In the case of premises giving film exhibitions, the licensing authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or, in accordance with section 20 of the Licensing Act 2003, the Licensing Authority itself and prominently display restrictions in line with the classification agreed.

9.3 Frequently Asked Questions

Local residents/businesses wanting advice

The licensee of a bar near where I live wants to extend his hours from 12.00 to 12.30, I'm concerned about the noise and disorder this would cause, what can I do?

On the one hand, extending hours can ensure a more gradual dispersal of customers. On the other hand 3 or 4 customers leaving at 12.30 may cause more disturbance than 20 leaving at 12.00 and keep you awake longer. Give some thought to the effect.

Next you may want to raise your concerns with the management of the premises. Alternatively contact Environmental Health or GMP, the experts on noise nuisance and crime and disorder respectively. It may be that others have expressed similar concerns to yourself. They can offer advice on how to make a representation (a statement of concerns) and take account of your complaint.

I run a business a few streets away from a new bar that has recently opened. Since the bar has opened, there has been increasing litter, noise nuisance, vandalism to my property and to street signs etc. and even an attempted burglary, what can I do?

If you think the problems you are experiencing relate to the bar's current activities, then there are other options available to you.

1. What evidence do you have that the problems you mention are caused by customers of this local bar? What times of day are the problems occurring? Is it around the bars closing time? Have other residents/businesses experienced similar problems? Perhaps those who live closer to the premises could confirm or otherwise whether it is customers of this particular bar causing problems? Could you and other residents/businesses gather evidence to support your claims e.g. video footage, a noise diary, history of complaints to the council/to the premises? Is the premises serving those who are drunk or underage or serving those who are passing on drinks to those who are drunk or underage?
2. Speak to your local ward councillor or to the Environmental Health team of the Council. They may be able to help.
3. Try addressing your concerns in writing to the licensee. (Again your local councillor/Environmental Health will be able to give expert advice). Tell the licensee what problems you are experiencing and what action you would like to see taken. Do you want them to close earlier? Do you want them to put more training in place? Do you want them to make greater efforts to stop serving those who are drunk?
4. If your concerns are not addressed by the licensee and you can support what you are saying, then you can ask for a review of their licence at any time. This will result in a hearing of elected councillors and the bar's hours may be limited, additional conditions imposed or their licence may be suspended or even revoked.

If the bar applied to vary its hours, change the activities it offers (e.g. add entertainment) or change the conditions of its licence, then you have a 28 day period from the time of the application to have your say. However you would only be able to comment on the change.

Operators of off-licences wanting advice

I run an off-licence. How can I ensure that I do not sell alcohol to under 18s?

You are right to take this seriously. Selling alcohol to under 18s is a criminal offence.

- Adopt a challenge 21 policy where you or your staff ALWAYS ask for ID from anyone who looks under 21 and only serve them if they can prove they are over 18.
- Ensure all your staff are aware of and practice challenge 21. As the premises licence holder, it is your responsibility for any under age sales.
- Publicise you operate this scheme with well-displayed posters in your shop windows and by the counter so that they are clearly visible.
- Do not take the risk of selling to under 18s, you may be prosecuted AND lose your licence. Explain this to under 18s attempting to buy alcohol.
- Keep a logbook to record times and dates you refused service.

If you experience persistent problems with under 18s attempting to buy alcohol, please contact GMP or Trading Standards for advice.

I run an off-licence and suspect that some adults are buying alcohol on behalf of under 18s, what can I do to prevent this?

You are right to take this seriously. To knowingly sell alcohol to those passing on that alcohol to under 18s is also a criminal offence.

1. Ensure you and your staff are on the look out for suspicious behaviour: over 18s repeatedly buying small quantities of alcohol and under 18s hanging around outside the shop.
2. If you are sure they are passing on alcohol to under 18s, refuse them service.
3. If you have doubts contact GMP or Trading Standards for advice
4. Doing nothing is not an option; you may be prosecuted and may lose your licence.

Operators of pubs/bars wanting advice

I run a bar and am considering extending my hours from 12.30 to 01.30. Several other premises nearby are opening this late, but I don't think local residents would be happy with the move.

One licensed premises can be vastly different from another. It may well be that your premises would not cause problems with respect to crime, disorder, public nuisance

etc., however late it opened. On the other hand this could be the straw that breaks the camels back. Local residents might consider 12.30 to be too late.

You feel that local residents might not be happy with an extension of hours, but this isn't the only question, how do they feel about your current operation?

Canvassing of local opinion is vital in any business, but especially so for licensed premises. If you don't know what the concerns of your community are, then how can you be sure you're addressing them. Local residents/businesses can ask for a review of your licence at any time. This will cost money to address and may ultimately cost you your licence. Far better to do a mail shot in the vicinity of the premises and find out what problems people are experiencing and take steps to tackle them. You will need to cover all the surrounding streets, as vicinity may for example be 100m or a mile, but you need enough coverage to get answers from your survey. Keep copies of all results, both good and bad. You will then be able to demonstrate the efforts you have taken. Be sure too to ask about the key issues – are they experiencing crime and disorder from your customers? Noise nuisance? Litter? Antisocial behaviour?

From these concerns you can look at the best way of tackling them. Options should include closing earlier, more staff training, greater vigilance on not serving those who are drunk.

Not knowing the impact of your premises and its custom may prove a very costly mistake. If you were to get your 1.30 licence, six months from now, residents who can't sleep or businesses facing increased vandalism may ask for your licence to be reviewed and you could lose your licence altogether.

Many premises feel that they can manage the problems associated with later opening with door staff, reminders to leave quietly or a complex dispersal strategy. The only true test of a licensed premises operation is the potential impact on local residents and local businesses.

In short, later opening can be very risky; you may want to be more imaginative e.g. earlier opening or more entertainment.

I run a very busy bar, I know it is an offence to serve those who are drunk, but find this difficult in practice.

There are a number of things you can do:

Staffing: Make sure there are adequate staff especially at busy periods to identify those who are drunk and those who are passing on drinks to those who are drunk.

Training: You have to ensure that all your alcohol serving staff are trained to recognise and refuse service to those who are drunk AND to those who are passing on alcohol to those who are drunk.

Support: As a manager, you have to support the culture of refusal. Staff should be given every encouragement to refuse service.

Zero tolerance: Ultimately the good management of licensed premises comes down to the manager's ability to prevent crime, disorder, public nuisance and ensure the safety of the public. Allowing drunk persons on your premises is not consistent with this. Do not allow entry to those who have had too much to drink, don't serve them and if they have had too many ask them politely to leave.

Reporting: if you need further advice on preventing drunkenness on your premises which can cause substantial problems for you and local residents in the vicinity of your premises, contact GMP.

I have run a small pub for many years; I understand that the Licensing Act requires that I prevent crime, disorder, nuisance from my customers in the vicinity of the premises. How am I supposed to do this?

The Act recognises that while the vast majority of licensed premises are responsibly managed, there is a risk in the provision of alcohol, entertainment and late night refreshment, of crime and disorder, public nuisance and harm to the public and under 18s.

The Act does not expect licensees and their staff to become the community's secondary police force.

The Act requires you to refuse service to those who are drunk or underage and refuse service to those who are passing on drinks to those who are drunk or underage.

We also expect you to your employees are properly trained and supported in these and other duties that impact on crime, disorder, public nuisance, public safety and protecting children from harm.

You should also carry out risk assessments associated with the licensable activities you provide and put measures in place to tackle these risks.

Finally the Act does expect that you meet the needs of your local communities and consult with them.

Operators of takeaways wanting advice

I run a takeaway. Most of my customers are very well behaved, but at weekends we get people turning up who are I expect from the pub who are drunk and disorderly. This isn't just a problem for my staff, but also leads to more litter and noise nuisance. We've considered closing earlier, but can't afford to lose the business. How do we handle this problem?

There are several things you can do:

1. Speak to GMP and speak to the owner/manager of the local pub; the pub shouldn't be allowing people to get into this state. It is an offence to serve somebody who is drunk and it's unfair to expect your staff to have to deal with this problem.

2. Do what you can to calm down the offenders.
 - a) Try playing calming music – classical music has been known to work well.
 - b) Consider whether providing more seating to encourage people to eat on site will reduce the problem.
 - c) Have enough staff during busy periods to keep queues to an absolute minimum. Many problems are known to occur due to a combination of alcohol and queuing.
 - d) Refuse service to those who are drunk and disorderly.
3. If these measures prove ineffective, again speak to GMP and Environmental Health. Doing nothing is not an option; you may put your licence in jeopardy if you do not take adequate steps to prevent crime, disorder and nuisance such as discarded food.

I run a takeaway. How can I handle the problem of my customers dropping litter?

1. Think about the products you are serving. Are they easy to eat? Are they well packaged to prevent contents dropping or leaking out? Have you provided enough bins inside and outside with signage asking customers to use them? Are they regularly emptied and cleaned?
2. Do you have the capacity to offer more seating? More people eating on the premises means you can better manage dropped litter. You may be able stop selling take-out food altogether.
3. Make sure you provide adequate bins for your customers. Tidy up frequently on and around your premises from the time of opening up until and after closing.
4. Mark all your packaging with your company name and/or logo, so that if litter is found in the area, which is not yours, you will not be unfairly blamed.
5. Consideration should be given to using biodegradable as opposed to polystyrene or non degradable type packaging

9.4 Licensing Hours

With regard to licensing hours, consideration will be given to the individual merits of each application. We recognise that in some circumstances, premises with differing closing times can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. There is, however, no presumption towards extensions of hours. We will in all instances seek to promote the licensing objectives.

Shops, stores and supermarkets are generally free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping, unless there are very good reasons based on the licensing objectives for restricting those hours.

9.5 Large capacity venues

Large capacity 'vertical drinking' premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol on the premises, and have little or no seating for patrons.

Key points on preventing crime and disorder include:

- Controlling the capacity to prevent overcrowding and frustration to customers.
- Ensuring adequate seating for customers.
- Ensuring the provision of door security teams at the premises to control capacity and ensure drunk or disorderly individuals are not admitted.

Operators of such venues would normally be expected to include detailed measures in their operating schedules for the prevention of crime and disorder. If not volunteered by operators, and following relevant representations, the licensing authority may impose conditions that require:

- A prescribed capacity.
- An appropriate ratio of tables and chairs to customers based on the capacity.
- The presence of Security Industry Authority registered security personnel to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

9.6 Discounting and sales promotions

Where there is a clear causal link between sales discounting and levels of crime and disorder on or in the vicinity of the premises, then it maybe would be appropriate for the licensing authority to consider the imposition of a condition prohibiting irresponsible sales promotions or the discounting of prices of alcohol following a review of the premises licence.

10. The principles of licensing enforcement

10.1 Risk-based enforcement action

The licensing authority takes a risk-based approach to enforcement. As such over the next three years we are likely to focus our enforcement attention on:

- Premises which serve those who are drunk or underage
- Premises which serve those who are passing on drinks to those are drunk or underage
- Premises which through their management cause public nuisance to local residents or local businesses
- Premises which fail to prevent risks associated with the activities they provide and thereby fail to adequately promote the licensing objectives

These offences are most likely to result in crime and disorder, public nuisance and problems concerning public safety and the protection of children from harm. Failure to tackle them is a failure to promote the licensing objectives and may result in licence review and revocation; and/or, in so far as they are offences, the prosecution of staff.

We work closely with partners in Greater Manchester Police, Environmental Health, Trading Standards and Greater Manchester Fire Authority and use intelligence supplied by them to take appropriate action.

The whole approach can be summarised as a sharp focus on the premises where enforcement agencies believe poor management of licensable activities is leading to crime and disorder, public nuisance, children at risk, or harm to the public.

Enforcement action will not be necessary against premises where risks have been fully addressed. Enforcement also includes advice, education and training, information, promotion of good practice and behaviour.

The principles of enforcement for the licensing authority focus on:

- Taking firm action against those who flout the law or act irresponsibly.
- Assisting businesses and others in meeting their legal obligations.
- Promptly acting on issues of concern to local communities.

10.2 Applications for new premises licences or to vary existing premises licences

Applicants for new permissions or variations to existing permission must demonstrate the steps they will put in place promote the licensing objectives.

Failure to do so may result in a hearing and the imposition of conditions by the licensing authority. It may also result in a review of the licence at a later date.

Failure to comply with any conditions attached to a licence or club certificate is a criminal offence that, on conviction, would be punishable by a fine of up to £20,000 or up to six months' imprisonment or both.

10.3 The review of an existing premises' licence

Where the licensing objectives are not being met, the licensing authority will consider the evidence of the Responsible Authorities and local residents/businesses, and the evidence presented by the licence holder and decide whether modifications to the authorisation or even revocation is necessary in order to ensure that the four objectives are upheld. The licensing authority has a number of sanctions available which includes:

- Restricting the hours of opening or licensable activities that can be provided
- Temporarily suspending the licence.
- Requirement to change the designated premises supervisor.
- Revocation of the licence
- Addition of licence conditions

A licence review may also be necessary if a person holding a personal licence commits a relevant offence, such as serving underage people or allowing drunkenness.

10.4 Further Powers

Enforcement agencies have a wealth of powers and the Licensing Act 2003 gives them even greater powers to rapidly take action where premises are causing problems.

Greater Manchester Police and Environmental Health have the power to close premises immediately for up to 24 hours. When this occurs the licensing authority will consider the evidence about the premises as a matter of urgency.

Where noise from licensed premises is found to be causing a public nuisance, measures such as those provided by the Licensing Act will be utilised, which include the power to close the premises for up to 24 hours.

When considering evidence of serious crime on licensed premises, such as drug dealing, the licensing authority will consider whether these offences relate to the management of the premises. If they do, then the licensing authority will take a precautionary approach and take any action it deems necessary, in light of the evidence before it. In such cases the licensing authority will not await the decision of the court before reaching its own decision. Each case will be considered on its merits.

Enforcement relating to legislation regarding access, noise, fire safety, serving underage persons, crime and disorder, etc is the duty of the respective enforcement agency. The licensing authority expects these agencies to take action to resolve any

illegal activities or situations. It will ask for regular reports on inspections and enforcement action, and will expect agencies to make representations or call for a review of the licence as appropriate.

Appendix 1 Glossary

This section explains the key terms used in the policy statement. These terms are all defined in the Licensing Act 2003 ('the Act') and Guidance.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

Term	Explanation
Club Premises Certificate (CPC)	Required by a qualifying club to carry out licensable activities.
Designated Premises Supervisor (DPS)	<p>If the licensable activities carried out at the premises include the sale or supply of alcohol, a designated premises supervisor must be specified on the premises licence.</p> <p>He or she must hold a personal licence and will normally have been given day-to-day responsibility for running the premises by the premises licence-holder. There can only be one DPS per premises, although there can be more than one personal licence-holder per premises.</p>
Incidental music	Whether or not music is incidental is to be judged on a case by case basis. It will depend on the music's impact on the four licensing objectives and its prominence vis-à-vis other licensable activities.
Interested party	<p>Anyone who is (or is likely to be) affected by any licensable activities at any licensed premises (or temporary event) within the context of the four licensing objectives. They are typically residents and businesses in the vicinity of premises where:</p> <ul style="list-style-type: none"> • An application for a premises licence or club premises certificate has been made. • A current premises licence or club premises certificate is held.
Late night refreshment	The sale of hot food or hot drink between 11pm and 5am

Term	Explanation
Licensable activities	<p>Activities affected by the Act, defined in Part 1 of the Act. They are:</p> <ul style="list-style-type: none"> • The sale by retail of alcohol. • The supply of alcohol in qualifying clubs. • The provision of regulated entertainment. • The provision of late night refreshment. <p>Each of these activities is defined in more detail in the Act and Guidance.</p>
Licensee	<p>Generally refers to the holder of a premises licence unless otherwise stated.</p>
Licensing Authority	<p>This refers to Manchester City Council as the body responsible for licensing under the Act.</p>
Licensing committee	<p>A group of 15 elected members of Manchester City Council responsible under the Act for all licensing authority decisions.</p>
Licensing objectives	<p>The objectives are the basis of all licensing decisions. They are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder. • Public safety. • The prevention of public nuisance. • The protection of children from harm.
Operating schedule	<p>The part of a licence application or current licence which describes in detail all the licensable activities to be carried out at the premises, and how the licensing objectives will be achieved.</p>
Personal licence	<p>This licence authorises the holder to supply alcohol or authorise the supply of alcohol, normally in accordance with a premises licence.</p> <p>A personal licence is granted by the licensing authority where the applicant normally resides, and is valid for ten years.</p>
Premises licence	<p>A premises licence authorises the holder to use the premises in question for licensable activities according to operating conditions that uphold the licensing objectives.</p>

Term	Explanation
Qualifying club	A club that meets the criteria under S62 of the Licensing Act 2003 and is therefore eligible to apply for a club premises certificate.
Representation	<p>A statement of information relevant to either an application (or licence) as a whole, or to certain aspects of it, which may be made by interested parties or Responsible Authorities. All relevant representations will be considered before a decision is made.</p> <p>Licensing officers are required to decide whether a representation is vexatious or frivolous, in which case it is not considered relevant (see Guidance §5.73 – 5.77).</p>
Responsible Authority	<p>Any agency having a statutory function under the Act. A full list of Manchester's Responsible Authorities under the Licensing Act 2003 is shown in Appendix 5.</p> <p>The Guidance states that the Secretary of State intends to make Crime and Disorder Reduction Partnerships Responsible Authorities by issuing a regulation.</p>
Temporary event	<p>An event where licensable activities will be carried out, but no premises licence is held to cover the activities. Certain constraints apply, such as:</p> <ul style="list-style-type: none"> • A maximum of 499 people can attend. • The event can have a maximum duration of 96 hours. • The premises user (usually the organiser) must be aged 18 or over.
Temporary Event Notice (TEN)	<p>The notice submitted to the police and licensing authority, at least ten working days before the event, which informs them about:</p> <ul style="list-style-type: none"> • The date/s the event will be held. • The licensable activities that will be carried out. • How the licensing objectives will be achieved.

Appendix 2 Consultation

Consultation under the Act

With each revision of its statement of Licensing Act policy, the licensing authority must consult:

- The chief officer of police for the licensing authority area.
- The fire and rescue authority for the area.
- Persons or bodies representative of local holders of premises licences.
- Persons or bodies representative of local holders of club premises certificates.
- Persons or bodies representative of local holders of personal licences.
- Persons or bodies representative of businesses and residents in its area.

This ensures that we allow all persons sufficient opportunity to comment on and influence local policy.

The licensing authority can also choose to consult other relevant and interested bodies or authorities.

Consultation carried out for this draft statement

This draft has been developed in consultation with the following agencies:

Greater Manchester Police

- City Safe

Manchester City Council

- Planning
- Environmental Health
- Trading Standards
- Crime and Disorder Team
- Licensing Unit
- City Solicitors
- Drug and Alcohol Action Team

Greater Manchester Fire Authority

Formal public consultation

This statement of policy was developed as a result of the formal consultation carried out between July and October 2007.

Regard was paid to:

- The Code of Practice on Consultation issued by the Cabinet Office's Regulatory Impact Unit in January 2004.
- *Consultation and Policy Appraisal: a Code of Good Practice – a Compact on relations between Government and voluntary and community sector in England* issued by the Home Office.

The consultation timetable was determined by:

- The Secretary of State's issuing of revised Guidance to the Act on 28 June 2007.
- The issuing of the Order on 14 September 2004 that the statement must be published by 7 January 2005.
- The consideration of the views of key stakeholders and the development of the draft statement.
- The approval process required in order to present the draft to the public.
- The time required to analyse, give feedback on, and demonstrate the effect of the views received during the consultation period.
- The approval process required in order to publish the final statement of policy.

Appendix 3 Model conditions

The revised Guidance issued by the Secretary of State for Culture, Media and Sport in 28 June 2007 (Annex D) gives guidance and sets out model conditions that the licensing authority may apply to licences. These conditions are not exhaustive, and may be added to or amended as considered appropriate. The purpose in referring to them is to provide applicants with an awareness of the types of conditions that may be applied and can be taken into account by applicants when drafting their Operating Schedule.

In considering conditions, the licensing authority will apply the following principles:

Conditions imposed on licences or certificates will:

- Be proportionate and necessary for the promotion of the licensing objectives.
- Include any mandatory conditions prescribed in the Act.
- Be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations.
- Centre on the premises being used for licensable activities and the vicinity of those premises.
- Consider the views of all the Responsible Authorities.
- Be consistent with the terms of the operating schedule or club operating schedule.
- Assume the presence of people with disabilities on licensed premises.
- Reflect local crime prevention strategies.
- Be capable of being met.

Conditions will not:

- Duplicate other legislation such as fire regulations, health & safety etc.
- Require the admission of children to any premises.
- Impose unnecessary, disproportionate or unreasonable restrictions on regulated entertainment, especially live music and dancing.
- Deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.
- Have an indirect discriminatory impact on particular ethnic groups.
- Seek to manage the behaviour of customers once they are beyond the direct management of the licence-holder.
- Replicate licensing offences that are set out in the Act.
- Be imprecise or difficult for a licence-holder to observe.

Appendix 4 Delegation of Functions

The licensing authority has a Licensing Committee made up of up to 15 councillors to carry out its various functions. Licensing reviews will generally be heard by a subcommittee of three of these councillors, usually in public.

Where no representations are received in respect of an application, the licensing officer will deal with the application under delegated authority without the need for a hearing.

In the interests of speed, efficiency and cost-effectiveness, licensing functions are carried out as shown in the table below.

Matter to be dealt with	Full Committee	Subcommittee (Licensing Panel)	Officers
Application for personal licence		In cases of police objection	If no objection made
Application for personal licence with unspent convictions		In cases of police objection	If no objection made
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for provisional statement		If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		In cases of police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		In cases of police objection	All other cases
Applications for interim authority		In cases of police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision as to whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Decision about police objection to temporary event notice		All cases	

Appendix 5 Contacts

Manchester City Council Licensing Unit

Enquiries

Licensing Unit
Neighbourhood Services
PO Box 271
Manchester M60 2LA



www.manchester.gov.uk/licensing/act
licensing@manchester.gov.uk
0161 234 4512

Responsible Authorities

Greater Manchester Police

The Chief Constable
c/o The Central Licensing Unit
Room 102
Bootle Street Police Station
Bootle Street
Manchester M2 5GU



www.gmp.police.uk
centrallicensing@gmp.police.uk
0161 856 3363

Greater Manchester Fire Authority

North Manchester: If the premises have a postcode within the ranges M1-M4, M8-M9, M11-M13, M18, M25.

The Fire Safety Manager
Greater Manchester Fire & Rescue Service
Manchester Central Fire Station
Thompson Street
Manchester M4 5FP



www.manchesterfire.gov.uk/authority/
n/a
0161 608 5310

South Manchester: If the premises has a postcode within the ranges M14-M16, M19-M23, M40, M90.

The Fire Safety Manager
Greater Manchester Fire & Rescue Service
Withington Central Fire Station
Wilmslow Road
Withington
Manchester M20 4AW





www.manchesterfire.gov.uk/authority/
n/a
0161 908 5410

Health and Safety


Local Authority premises, Hospital premises and some University premises

Health and Safety Executive		n/a
Grove House		n/a
Skerton Road		0161 952 8200
Manchester M16 0RB		

All other premises

Environmental Health (Premises Licences)		www.manchester.gov.uk/envhealth/
1 Hammerstone Road		EnvH.Licensing@manchester.gov.uk
Gorton		0161 234 4854
Manchester M18 8EQ		

Environmental Health

Environmental Health (Premises Licences)		www.manchester.gov.uk/envhealth/
1 Hammerstone Road		EnvH.Licensing@manchester.gov.uk
Gorton		0161 234 4854
Manchester M18 8EQ		




Planning

Manchester Local Planning Authority (Premises Licences)		www.manchester.gov.uk/planning
PO Box 463		planning@manchester.gov.uk
Town Hall		0161 234 4516
Manchester M60 3NY		

Trading Standards

Trading Standards Service		www.tradingstandards.gov.uk/ manchester/
1 Hammerstone Road		trading_standards@ manchester.gov.uk
Gorton		0161 234 1555
Manchester M18 8EQ		

Manchester Safeguarding Children Board

Licensing Administrator		n/a
Manchester Safeguarding Children Board		qalicensing@manchester.gov.uk
3rd Floor, Victoria Mill		n/a
10 Lower Vickers Street		
Miles Platting		
Manchester M40 7EL		