

Manchester Draft Statement of Licensing Policy 2011 - 2014

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Foreword by Leader

To be included in published policy.

1 Introduction

- 1.1 This Licensing Policy is published under section 5 of the Licensing Act 2003 and states how the City Council as the Licensing Authority will exercise its licensing functions in order to promote the four licensing objectives which are:
- The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm
- 1.2 The aim of this Statement of Licensing Policy is to ensure desirable destinations for a wide range of age groups and uses. Premises are encouraged that will extend the diversity of entertainment and attract a wider range of participants rather than premises mainly or exclusively focussed on the sale of alcohol. The Licensing Authority believes that achieving this will promote the licensing objectives as well as support other important Council strategies.
- 1.3 The Licensing Policy is integral in managing the role licensed premises play throughout the city. A key aim of the policy is to ensure that licensed premises have a positive impact on their locality and where any premises do cause problems, they are addressed swiftly and in the most appropriate manner. Local residents and businesses have an important role under the Licensing Act 2003 and are able to have their say in respect of licence applications and the operation of licensed premises in their area. Further details are provided in Appendix 3.
- 1.4 This Policy aims to develop a more inclusive night time economy, ensure high standards of management for licensed premises, as well as promoting high-quality premises that can contribute positively to their respective neighbourhood.

Integration with other Council Strategies

- 1.5 Whilst the overarching aim of this policy is to promote the licensing objectives, it is acknowledged that there are other key Council policies which are in place to help Manchester realise its status as a World Class City. This Statement of Licensing Policy, therefore, integrates as far as is reasonably possible with those strategies in order to help Manchester realise that goal.

Community Strategy

- 1.6 The Manchester Sustainable Community Strategy 2006-2015 is the overarching partnership strategy within Manchester. Its role is integrating social, economic and environmental strategies to create sustainable communities – places where people choose to live.
- 1.7 From the many surveys and consultations with residents, community and voluntary organisations, Manchester City Council knows that the environment, education, training, poor health and anti-social behaviour are considered to be the most important issues that need to be addressed. The Community Strategy has translated these concerns and ambitions into a single vision and set of priorities for the city. Key to achieving these is to create the conditions for sustainable economic success.
- 1.8 This policy aims to contribute to this vision through promoting a wider range of high-quality attractions that encourage an increased range of customers in order to lead to longer term economic viability. Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. Additionally, effective regulation plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

Neighbourhood Focus Strategy

- 1.9 The Neighbourhood Focus Strategy sits at the heart of Council priorities and provides a framework for the way we deliver services and support our neighbourhoods. The Neighbourhood Focus Strategy is central to the way the Council will respond to the needs of the communities who live and work within Manchester.
- 1.10 Manchester's vision is one of successful neighbourhoods which attract and retain people who live in communities which are both diverse and cohesive and in which people feel safe and supported to reach their full potential.
- 1.11 It is essential to understand and address the issues that specific neighbourhoods face. This Statement of Licensing Policy is designed to be flexible in order to ensure that the standards it promotes will be relevant to, and can be applied at a local neighbourhood level.
- 1.12 Section 3 (The Licensing Process) explains how the Licensing Act 2003 gives residents and businesses the ability to influence licensed premises in their locality by

making representation in respect of applications or applying for reviews of existing licences. Through this mechanism, the Licensing Policy is an integral tool in how the Licensing Authority will aim to support the aspirations set out for various areas of the city by the Council through its local Strategic Regeneration Frameworks and any supporting Local and Ward Plans, to ensure only premises that contribute positively to local areas and neighbourhoods, are licensed.

Cultural Strategy

1.13 The Licensing Authority shall monitor the impact of the licensing regime on the provision of regulated entertainment, and particularly live music and dancing. The Licensing Authority shall seek to support the Manchester Cultural Strategy (“Our Creative City”) in order to:

- secure recognition and support for the City’s regeneration as a vibrant cultural capital
- encourage greater participation of local residents in cultural activities

1.14 This Policy Statement aims to encourage well-run premises that seek to promote the above cultural vision to bring success to the city as well as open up employment and training opportunities for residents.

Manchester Crime Reduction Strategy

1.15 The Crime Reduction Strategy ties in with and is complemented by the Alcohol Strategy. This Policy Statement promotes well-run, responsible licensed premises. The Standards for Licensed Premises provides the measures expected to promote the licensing objectives, including the prevention of crime and disorder. Through the Crime Reduction Strategy it is envisaged that if responsible drinking becomes the norm, there is a lower propensity to offend among the population generally and a lower risk of becoming a victim of crime.

The Manchester Alcohol Strategy

1.16 Manchester’s Alcohol Strategy 2008–11 seeks to address the impact of alcohol on our communities. The Statement of Licensing Policy addresses key elements of the Alcohol Strategy, in particular, by ensuring the effective regulation of licensed premises. By ensuring responsible retailing such as preventing drunkenness as well as restricting access to alcohol to underage persons, and tackling alcohol-related crime, disorder and antisocial behaviour attributable to licensed premises, the effective implementation of this Policy Statement will play a significant contribution in achieving the goals of the Strategy.

Promoting the Licensing Objectives in Manchester

1.17 The Licensing Authority works in conjunction with partner agencies such as Environmental Health, Trading Standards, Greater Manchester Police, Manchester Crime and Disorder Reduction Partnership, Cityco, Manchester Drugs and Alcohol Strategy Team, National Health Service (NHS), Manchester Safeguarding Children Board (MSCB) and Greater Manchester Fire and Rescue Service, in delivering a range of initiatives aimed at ensuring the promotion of the licensing objectives throughout Manchester such as:

- Joint-agency enforcement exercises
- Pro-active monitoring of licensed premises
- Test purchase operations
- Weekly multi-agency meetings
- The establishment of Designated Public Place Orders where alcohol may not, following a direction from a police officer, be consumed publicly.
- Best Bar None
- Publication and distribution of the Responsible Alcohol Service guide
- Conducting training in responsible alcohol service and conflict management
- Taxi Marshals scheme
- Publication of the Get Home Safe guide for access to public transport
- Integrated CCTV network throughout the city centre
- Attendance and participation in local and community meetings and workshops

2 Guide to Manchester's Licensing Policy

- 2.1 This policy provides the relevant information for making a licence application as well as explaining how licensing integrates with other related strategies for the city.
- 2.2 The aims of this policy are to pursue and promote the licensing objectives by encouraging:
- Desirable destinations for a wide range of age groups
 - Licensed premises suitable for the neighbourhood within which they are located and which support the neighbourhood plan
 - Diversity of entertainment throughout the City which appeals to a wider audience
 - A wide range of uses of premises
- 2.3 Manchester City Council is committed to creating Neighbourhoods of Choice throughout the city. Licensed premises are an integral part of our communities and this Licensing Policy is a key tool in ensuring the different circumstances of our neighbourhoods are taken into account when considering licence applications.
- 2.4 A principal aim of this Policy is to ensure that licensed premises are an asset to their locality; which respect the character and identity of the area and the Licensing Authority will aim to ensure that this happens through the implementation of this Policy. However, where licensed premises fail to promote the licensing objectives, Manchester City Council as the Licensing Authority will take appropriate steps to address any such licence-related issues (See Section 17).
- 2.5 Residents can play a significant role in contributing to the effective implementation of this Licensing Policy in their capacity as an 'Interested Party' (see Appendix 2).
- 2.6 The impact of licensed premises will naturally be most-felt at a local level and it is important that local residents and businesses have an active involvement in the licensing process and understand how they can do this. Appendix 3 provides more details on how they can do this and provides information on issues including:
- Finding out about new licence applications in their area
 - How they can make representations
 - Find out about existing licences in their area using the Licensing Register
 - The importance of residents as interested parties in the application process
 - Issues that could be considered as relevant to the promotion of the licensing objectives
 - Requesting a local councillor to represent you
 - What action to take in respect of licensed premises that are causing problems

2.7 The Licensing Authority considers it extremely important that licensed premises operate as good neighbours within their community. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications. Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses in the local area in ensuring the promotion of the licensing objectives on an ongoing basis. This is included as a proposed measure at PN11 in the Standards to Promote the Licensing Objectives (Public Nuisance) in Section 9.

2.8 This policy contains a number of Key Factors, which are the primary issues that it expects to be considered in respect of licensed premises. These Key Factors are:

- KF1 "What we aim to Encourage"
- KF2 "Location"
- KF3 "Hours"
- KF4 "Standards to Promote the Licensing Objectives"

2.9 These Key Factors set out what the Licensing Authority expects applicants to have considered when identifying the steps that they intend to take in order to promote the licensing objectives relevant to the licensable activities and hours for which they are applying.

2.10 The Licensing Authority has a range of licensed premises and activities it aims to encourage. These are identified in Section 6. A key aim of this policy is to ensure desirable destinations for a wide range of age groups and uses and applicants are encouraged to seek to reflect this aim in their applications. Premises are encouraged that will extend the diversity of entertainment available throughout the City and therefore appeal to a wider audience.

2.11 Consideration should then be given to the Location and Hours sections having regard to the nature of the venue and the licensable activities being applied for, with respect to the character of the area where the premises is located.

2.12 Section 9 'Standards to Promote the Licensing Objectives' sets out what the Licensing Authority expects applicants to have considered when identifying the steps they intend to take in order to promote the licensing objectives relevant to the licensable activities and hours they are applying for.

2.13 There is a separate section for premises exclusively licensed for the sale of alcohol for consumption off the premises which sets out specific considerations for such premises:

- KF5 "Off Sales of Alcohol"

Operation of the Policy

- 2.14 The Standards to Promote the Licensing Objectives (Section 9) set out what the Licensing Authority expects applicants to have considered when identifying the steps they intend to incorporate in their operating schedule in relation to the Key Factors in order to promote the licensing objectives.
- 2.15 There is likely to be a greater chance of a representation being made (and therefore a hearing) where the factors contained in this Policy Statement are not addressed in the operating schedule.
- 2.16 The policy is to attach conditions in accordance with the standards for licensed premises outlined in this statement when considered by the Licensing Authority to be necessary and proportionate in order to promote the licensing objectives. Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned. Conditions may include restrictions on licensable activities and hours.
- 2.17 Where, following relevant representations and a hearing, the Licensing Authority is not satisfied that such steps will ensure the promotion of the licensing objectives; the policy is to refuse the application.
- 2.18 Applicants are not obliged to include these in their operating schedule; if you do not, and there is no relevant representation, then the licence must be granted. However, if there is a relevant representation, there will be a hearing and the Licensing Authority will take this Policy Statement into account.
- 2.19 Interested Parties and Responsible Authorities are encouraged to take into consideration the Key Factors when they are assessing applications and deciding whether to make a representation on an application.

Departures from the policy

- 2.20 This Policy Statement sets out the vision the Licensing Authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Licensing Authority may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons will be given for any such departure from the general policy in this statement. However, it is expected that any such departure would likely only be in exceptional circumstances.

3 The Licensing Process

Licensable activities and the licensing objectives

- 3.1 The Licensing Act 2003 regulates the following activities:
- The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
 - The provision of regulated entertainment
 - The provision of late night refreshment
- 3.2 In order for a premises to provide any of the above activities, the operator must obtain authorisation from the City Council in its role as Licensing Authority.
- 3.3 The authorisation may be in the form of a Premises Licence, a Club Premises Certificate or a Temporary Event Notice.
- 3.4 Where an application for a new Premises Licence or Club Premises Certificate is made to the Licensing Authority or for variation of an existing licence or certificate, consultation is required with Responsible Authorities as defined under the Licensing Act 2003. Details of the Responsible Authorities can be found at Appendix 1.
- 3.5 An application will consist of (amongst other things) an operating schedule which details the licensable activities applied for as well as specifying during which times and on which days they would be conducted. In the operating schedule, the applicant also sets out any steps that they propose to take in order to address the four licensing objectives.
- 3.6 The Applicant must advertise their application by displaying a blue notice at the premises, in a position that ensures that it can be read from the exterior of the premises, as well as publishing an advertisement in a newspaper that is available in the locality of the premises.
- 3.7 The consultation period lasts for 28 days beginning from the first day after the application was received by the Licensing Authority.
- 3.8 During this period, the Responsible Authorities and Interested Parties may make representations in respect of the application. Interested Parties are typically local residents and businesses (or representatives of them) but also include Council elected Members (whether or not the Member lives in the vicinity of the premises).
- 3.9 All licence applications will be considered on their own merits in the context of the four licensing objectives. However, if an application for a premises licence or club premises certificate has been lawfully made, and there have been no representations from responsible authorities or interested parties, then the Licensing Authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.

- 3.10 Where relevant representations are received in respect of an application, it will be determined at a hearing by a sub-committee of 3 Members from the Council's Licensing Committee. The applicant and any party who has submitted a relevant representation (or their representatives) may attend in order to make submissions to the sub-committee.
- 3.11 All applications will be considered on their own merit.
- 3.12 Following such a hearing, the sub-Committee can either:
- (a) Grant the application as applied for
 - (b) Grant the application with restricted licensable activities / hours than those applied for and/or impose additional conditions, where considered necessary for the promotion of the licensing objectives
 - (c) Refuse the application
- 3.13 There is a right of appeal to the Magistrates' Court against the decision of the Licensing Sub-Committee by any party to the original hearing.

Making a representation

- 3.14 In order for representations to be taken into account, they must be 'relevant representations', which are those representations that:
- Are made to the Licensing Authority within the consultation period
 - Have not have been withdrawn
 - Relate to the likely impact of the grant of the application upon one or more of the licensing objectives
 - And must not (in the case of Interested Parties) be considered as frivolous or vexatious in the opinion of the Licensing Authority
- 3.15 The grounds for any representation will be stronger if they have an evidential basis and link to the applicant premises. Any conditions or restrictions should only be proposed that address identified risks to the licensing objectives.
- 3.16 Representations will be considered on their merits by the Licensing Authority to ensure they are relevant with regard to the above.

Reviews

- 3.17 At any time following the grant of an authorisation, a Responsible Authority or Interested Party may submit an application for Review of the licence or certificate.

- 3.18 Applications for Review must relate to one or more of the Licensing Objectives and must not (where the Review is submitted by an Interested Party), be considered as frivolous, vexatious or repetitious by the Licensing Authority.
- 3.19 The Licensing Authority may not itself initiate the Review process and its function is to administer the process and determine its outcome at a hearing where an evidential basis for the allegations will need to be made.
- 3.20 A Review application is also subject to a similar consultation period to that for a new licence or variation, during which relevant representations may be submitted. Reviews will be determined at a hearing by a Licensing Sub-Committee.
- 3.21 At a Review, the Licensing Authority must take the following steps (if any) where such steps are considered necessary for the promotion of the licensing objectives:
- (a) to modify the conditions of the licence
 - (b) to exclude a licensable activity from the scope of the licence
 - (c) to remove the designated premises supervisor
 - (d) to suspend the licence for a period not exceeding three months
 - (e) to revoke the licence
- 3.22 In cases when there is evidence that the crime prevention objective is being undermined it is expected that revocation of the licence will be seriously considered, even in the first instance.
- 3.23 There is a right of appeal against the decision of the Licensing Sub-Committee to the Magistrates' Court and in the event that an appeal is lodged by the licence holder, the original decision of the Licensing Authority will not take effect until the appeal is determined or withdrawn. There is an exception to this in the case of a Summary Review by the police.
- 3.24 Responsible Authorities will aim to give licensees early warning of any problems in an attempt to work in partnership with the trade to resolve issues. However, it is expected that the trade reciprocate this spirit of co-operation to achieve the promotion of the licensing objectives.

Considerations of impact within the vicinity of licensed premises

- 3.25 Whilst the Licensing Authority will seek to ensure the promotion of the four licensing objectives by licensed premises in Manchester, it is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licensee and occurs 'in the vicinity' of the premises. As stated above, each case will be considered on its own merits and therefore this policy does not seek to define what constitutes 'in the vicinity'. When considering the question of vicinity the Licensing Authority will consider the likely impact the proposed operation of the premises will have upon one or more of the licensing objectives.
- 3.26 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding

the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

Integration with Planning

- 3.27 The licensing process is separate from planning and building control regimes and shall be properly separated to avoid duplication and inefficiency.
- 3.28 The planning and licensing regimes involve consideration of different (albeit related) matters and as such licensing applications shall not be a re-run of the planning application. Where the hours granted by planning are different to the licensing hours, the applicant must observe the earlier closing time. Likewise the granting of a Premises Licence or Club Premises Certificate (or a variation) does not negate the requirement for the applicant to ensure relevant planning permission (or building control approval) is in place prior to the premises operating.
- 3.29 Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law.

The Need for Licensed Premises

- 3.30 The Licensing Authority shall not take into account 'need' or commercial demand when exercising any licensing function, which is a matter for the market, Development Control and the Planning Committee.

The Cumulative Impact of Concentrations of Licensed Premises

- 3.31 The cumulative impact on the promotion of the licensing objectives of a concentration of licensed premises by number, type or density in a particular area is a matter that the Licensing Authority will consider and, where there is good evidence that crime and disorder or public nuisance are happening and are caused by customers of licensed premises located in such an area, consideration will be given to adopting a special policy to help address such issues.
- 3.32 Such a special policy will be implemented if the Authority is satisfied that there is evidence to support such a decision, and that it is proportionate and the most effective measure to address the problems identified.
- 3.33 Types of evidence that the Licensing Authority will take into consideration when considering whether to implement such a special policy include:
- Alcohol-related crime
 - The number and type of licensed premises and the hours and activities they are licensed for
 - Ambulance and A&E data in respect of alcohol-related incidents

- Residential density
- Noise complaints
- The numbers of consumers attracted to the area and the availability of public transport

3.34 The Licensing Authority also recognises that there are a number of existing measures available relevant to tackling unlawful and anti-social behaviour associated with licensed premises, including:

- Planning controls
- Positive measures to create a safe and clean City Centre, District or Neighbourhood Centre environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not, following a direction from a police officer, be consumed publicly
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such 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 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 question
- Other local initiatives that similarly address these problems

Consultation for the Draft Licensing Policy

3.35 In accordance with section 5(3) of the Licensing Act 2003, the following were consulted in respect of this statement of Licensing Policy:

- a) the chief officer of police for the licensing authority's area,
- b) the fire authority for that area,

- c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

The Licensing Committee and its delegation of functions

- 3.36 In accordance with the Licensing Act, Manchester City Council has established a Licensing Committee constituted of 15 Council Members. Where relevant representations are made against an application (and not withdrawn), the application shall be determined by a sub-committee constituting of 3 Members of the Licensing Committee at a hearing.
- 3.37 Full details of the delegation structure for the Licensing Committee are contained at Appendix 8.

Implementation of this Statement of Licensing Policy

- 3.38 This Statement will take effect from 7 January 2011 and will be formally reviewed in accordance with any Government regulations – currently every 3 years as a minimum. However, the Council will keep this statement under continual consideration and may review it at any time following its implementation should this be considered necessary.
- 3.39 Regular reports will be provided to the Licensing Committee updating them with crime and disorder data as well as details of relevant cultural developments and regeneration schemes.

Duplication with other regulatory regimes

- 3.40 In exercising its licensing functions, the Licensing Authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

4 Other Important Related Schemes

Purple Flag

- 4.1 This Policy Statement aims to build upon Manchester's success in achieving Purple Flag status for the city centre and further enhance the leisure, cultural and entertainment offerings for Manchester's citizens and visitors by ensuring only well-run, safe and welcoming licensed premises are operated offering a broad mix of attractions for Manchester's residents and visitors.
- 4.2 Purple Flag has been developed from original research undertaken by the Civic Trust as part of its "NightVision" project which showed that:
- More people would use centres at night if they were safer, more accessible and offered more choice
 - A good mix of clientele can lessen intimidation and improve perceptions
 - A wider range of attractions and consumers leads to longer term economic viability
- 4.3 Purple Flag is an award given to an area based on an objective assessment of five key considerations of that area at night which are
1. **Policy Framework:** This Policy Statement provides a clear aim and is consistent with associated Strategies (see Section 1) in order to ensure licensed premises offer a positive experience within the area they are located.
 2. **Wellbeing:** A prerequisite for successful destinations is that they should be safe and welcoming. The Standards for Licensed Premises in Section 9 set out how the Licensing Authority expect licensed premises to operate in order to ensure high-quality of operation and management.
 3. **Movement:** Getting home safely after an evening out is a prime requirement. The considerations of availability of transports are addressed through the Location considerations in Section 8 of this Policy by ensuring that there is appropriate transport and dispersal mechanisms in place, having regard to the locality.
 4. **Appeal:** Successful destinations should offer a vibrant choice of leisure and entertainment for a diversity of ages, lifestyles and cultures, including families. They should contain a rich mix of public and private attractions. They should be vital places for both the day and the night. Section 6 sets out the diverse range and types of licensed premises Manchester City Council aims to encourage.
 5. **Place:** Successful hospitality areas are alive during the day, as well as in the evening and night. They contain a blend of overlapping activities that encourage people to mingle and attractive places where spending and being are in balance. They respect and reinforce the character and identity of the area - its buildings, structures and features. They demonstrate flair and imagination in all aspects of

design for the night. This policy aims to encourage an evening and night time economy that is not solely youth-oriented and alcohol-driven and by ensuring that premises are only licensed that contribute positively to local areas and neighbourhoods.

- 4.4 This Statement of Licensing Policy aims to complement the principles behind the Purple Flag award to ensure licensed premises have a positive contribution towards a successful night time economy.

Pubwatches and Off Licence Forums

- 4.5 Such schemes are demonstrations of good practice by the licensed trade and are supported by the City Council as well as partner agencies such as Greater Manchester Police and the NHS. We encourage licensees to participate in such local groups, or for them to seek to establish new ones where none currently exist. We will endeavour to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the licensing objectives. For further details on any of the schemes operating in Manchester or interest in developing a brand new scheme, please contact Manchester City Council's Licensing Unit.

Best Bar None

- 4.6 The Best Bar None is an awards scheme for licensed premises, currently running in over 80 locations across the UK. It was developed by the Manchester City Centre Safe project to address alcohol related crime and improve the night time environment. It was felt that in order for progress to be made in delivering a safer night time economy, a new partnership approach was needed alongside more traditional law enforcement activity. Best Bar None schemes provide an incentive for the operators of licensed premises to improve their standards of operation to the level of a commonly agreed national benchmark.

5 The Key Factors

- 5.1 These Key Factors are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring the vitality and prosperity of the city in terms of economic growth, additional employment opportunities, and improved physical environments. However, if premises are not managed responsibly they can also impact negatively on an area due to causing environmental problems including flyposting; littering; street urination; crime and disorder, vandalism; public nuisance issues such as noise problems, as well as parking and traffic issues. Through this Policy we have set out how we will prevent and address such issues.
- 5.2 Our aim through this policy is to promote an 'inclusive' evening and night time economy throughout the city to ensure people of all ages can participate in and enjoy a range of activities. These Key Factors are designed to ensure that all licensed premises throughout Manchester operate to promote the four licensing objectives in order to ensure they contribute positively to the city. The Key Factors are:
- | | |
|-----|---|
| KF1 | "What we aim to Promote" |
| KF2 | "Location" |
| KF3 | "Hours" |
| KF4 | "Standards to Promote the Licensing Objectives" |
| KF5 | "Off Licences" |
- 5.3 A key aim is to ensure the diversity of licensed premises and particularly avoid premises simply focussed on the consumption of alcohol. Where relevant representations are made, there will be presumptions against premises that facilitate quick drinking through lack of seats, loud music, and particularly those which aim to attract an exclusively youth-focussed crowd to the exclusion or detriment of other groups.
- 5.4 We will also ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.
- 5.5 Whilst it is recognised that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the Licensing Authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the Licensing Authority deem this necessary and proportionate following a hearing.
- 5.6 Where no relevant representations are received against an application for a premises licence or club premises certificate, it shall be granted automatically subject to

mandatory conditions under the Licensing Act and conditions consistent with the applicant's operating schedule.

- 5.7 In this Policy Statement, we have established factors we expect operators of licensed premises to consider. Failure to do this may increase the possibility of representations being made against applications, particularly by Responsible Authorities.
- 5.8 Every application will be treated in accordance with the Act, the Guidance and this Statement of Licensing Policy. The applicant is expected to consider the key factors and the potential impact upon the four licensing objectives of their premises upon them.
- 5.9 The Standards Expected of Licensed Premises set out what the Licensing Authority considers appropriate and will expect applicants to have given due consideration to when preparing their operating schedule. However, it is a matter for the applicant to determine the measures they consider necessary with respect to their individual circumstances. The Expected Standards will not be appropriate to apply in every situation to every premises but applicants are expected to implement the measures considered appropriate to their operation as part of the operating schedule. Applicants are not restricted to consideration of those measures outlined in the Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

6 What we aim to Encourage (KF1)

- 6.1 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses.
- 6.2 Premises that are encouraged are:
- **Those that will extend the diversity of entertainment and attract a wider range of participants. Live music, especially original material, is encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.**
 - **Family friendly venues, where people with children can attend, are encouraged. These need not necessarily be places specifically aimed at children but could be premises appealing to adults which also provide entertainment for children.**
 - **Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.**

- **Wind-down or chill-out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.**
- **Restaurants and Cafés as well as other less alcohol-dominated venues.**
- **Theatres and Cinemas**

6.3 These types of licensed premises will generally be granted, unless relevant representations are made and the Licensing Authority is satisfied the individual application will undermine the licensing objectives.

Hours for Licensed Premises (KF2)

- 7.1 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.
- 7.2 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher-risk in causing problems especially related to drunkenness, particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when later hours are applied for.
- 7.3 The Authority will have particular consideration to the location of premises (Section 8) and their likely effect on the locality for such applications in relation to appropriate hours consistent with promoting the four licensing objectives.
- 7.4 Where relevant representations are made, premises that are considered to meet the criteria in Section 6 (What We Aim to Encourage) will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol-driven premises.
- 7.5 The potential impact on any local residents will be an important matter for consideration. The Licensing Authority considers it more appropriate that terminal hours will normally be earlier for licensed premises located in areas with a higher density of residential property particularly those outside the city centre than those within the city centre due to the developed infrastructure in respect of managing a later night time economy, as set out in Section 8.
- 7.6 However, it is expected that the Hours for licensed premises will be particularly relevant having consideration of the Location of the premises (Section 8). Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. Applicants are strongly encouraged only to apply for hours that they realistically intend to operate.

- 7.7 The Licensing Authority will not consider the fact that other premises in the vicinity already have existing later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

8 The Location of Licensed Premises (KF3)

- 8.1 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

1. The proposed operation of applicant premises having regard :
 - to the licensable activities applied for,
 - the size and proposed capacity,
 - the type/nature of the business
2. The proximity of the premises to local residents.
3. The proximity of the premises to other local businesses that could be affected
4. The general character of the surrounding area including crime and Anti-social behaviour (ASB) levels
5. The availability of transport to and from the premises

- 8.2 Consideration will be given to the capacity for vertical drinking at the premises. Where relevant representations are made, there shall be a presumption against new premises aimed at predominately providing vertical drinking environments. Vertical drinking has been linked with encouraging binge drinking and an increased potential for violence and antisocial behaviour.

- 8.3 Additionally, a number of premises closing simultaneously would lead to larger numbers leaving at the same time thereby increasing the risk of disorder and disturbance, as well as creating spikes in demand for taxis and other sources of transport.

- 8.4 There is the need to balance the needs of residents with that of the night time economy. Applicants should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)

- Prevention of disturbance by people outside the premises (e.g. smoking areas)
 - Litter from the premises
 - Disturbance caused by deliveries including waste collection
- 8.5 Having regard to the above, the Licensing Authority may impose restrictions considered necessary to ensure the promotion of the licensing objectives in accordance with the above factors where a relevant representation has been made. Such restrictions may include the removal of licensable activities, the reduction of hours applied for and the imposition of conditions. Where the Licensing Authority is not satisfied that such steps can be undertaken to ensure the promotion of the licensing objectives, the policy is to refuse the application.
- 8.6 Consideration should be given to the effective availability of transport in relation to the premises including the proximity of public transport such as rail services, Metrolink, night buses as well as taxi ranks, in order to ensure customers are able to get home safely and without causing disturbance.

Aspirations for our Neighbourhoods

- 8.7 As outlined in the Community Strategy, Manchester City Council is committed to creating Neighbourhoods of Choice throughout the city. It is essential to create successful neighbourhoods which attract and retain people from diverse communities and in which people feel secure and supported. Each of our neighbourhoods are different to each other and services need to be flexible to meet these different needs.
- 8.8 The results of the 2008 Place Survey tell us that across all wards Manchester residents feel that the key aspects that make an area a good place to live are:

- **A low level of crime**
- **Clean streets**

Respondents also identified that key drivers to making a good place to live include:

- **People getting on well together**
- **Tackling anti-social behaviour**
- **A clean environment**

- 8.9 Licensed premises can have a major effect on the points emboldened above, and so when relevant to the promotion of the licensing objectives, the Licensing Authority will aim to support the aspirations set out for various areas of the city by the Council through its local Strategic Regeneration Frameworks and any supporting Local and Ward Plans, to ensure premises are only licensed that contribute positively to local areas and neighbourhoods.
- 8.10 It is considered that the infrastructure of the City Centre is better-suited to support the later night-time economy than neighbourhoods outside of the city centre, as recognised by the award of Purple Flag accreditation. For example, a comprehensive integrated CCTV network, increased access to public transport,

cleansing and a more visible enforcement presence, as well as an established night time economy.

- 8.11 The Licensing Authority will seek to ensure that premises contribute positively to their neighbourhood with respect to the licensing objectives having regard to the nature of its locality. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications. Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses the local area in ensuring the promotion of the licensing objectives on an ongoing basis.

9 Standards to Promote the Licensing Objectives (KF4)

- 9.1 An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule. This identifies the steps proposed by the applicant in order to promote the licensing objectives.
- 9.2 Where no relevant representation is received against an application, only conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).
- 9.3 We have identified the standards that we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for the applicant to consider and propose the measures they regard as necessary to promote the licensing objectives with respect to the individual circumstances of their application.
- 9.4 The Expected Standards will not be appropriate to apply in every situation to every premises but applicants are expected to have due consideration to these and implement the measures considered appropriate to their operation as part of the operating schedule. Applicants are not restricted to consideration of those measures outlined in the Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.
- 9.5 Interested Parties and Responsible Authorities should also consider these standards in relation to making any representation against an application.
- 9.6 Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by this Policy Statement.
- 9.7 The policy is to attach conditions in accordance with the standards for licensed premises outlined in this statement when considered by the Licensing Authority to be necessary and proportionate in order to promote the licensing objectives.
- 9.8 Whilst the standards have been separated under distinct titles of the four licensing objectives, many of the standards will be relevant for the promotion of multiple

objectives. Where a measure is proposed as part of an operating schedule which may address more than one licensing objective, it need only be included once.

The Prevention of Crime and Disorder

It is a matter for the applicant to determine the measures they consider necessary to promote the Prevention of Crime and Disorder licensing objective with respect to their individual circumstances. The Expected Standards will not be appropriate to apply in every situation to every premises but applicants are expected to implement the measures considered appropriate to their operation as part of the operating schedule. Applicants are not restricted to consideration of those measures outlined in the Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

CD1 Holding regular security reviews

It is expected that premises would hold such meetings as they can help identify and resolve issues and ensure staff are fully aware of important issues.

CD2 A documented Security Policy

There should be a defined policy which documents the security measures in place for the premises. A defined policy should ensure a consistent approach and explain the standards expected of staff.

CD3 The effective management of queues outside the premises

Queues should be managed effectively to prevent any nuisance or disorderly behaviour.

CD4 Consideration of the provision of door supervisors to control entry to and exit from the premises

Consideration should be given to whether security staff will be employed at the premises. It is expected that the need for security staff will be determined by risk assessment.

Where door supervisors are provided, it is expected that applicants have consideration of the following:

- **High-visibility identification** – It is expected that door supervisors shall be easily identifiable by wearing high-visibility clothing.
- **Appropriate number of staff** – Door supervisors should be employed at specified times with regard to the individual circumstances of the premises. The need for doorstaff should also be regularly reviewed and risk-assessed and appropriate security employed.
- **The role of door supervisors in ensuring effective dispersal of patrons from the premises at the end of the night** – Door supervisors should be instructed to encourage persons leaving the premises do so without causing disturbance and in an orderly fashion.

- **Consideration of SIA-approved contractor scheme companies** – The objective of the SIA's Approved Contractor scheme is to raise performance standards. Approved contractors are demonstrably committed to customer service and the compulsory licensing of their staff ensuring that every private security operative deployed on a premises will be working within the law
- **Holding security briefings at the start and end of duty**
- **Maintaining a register of door supervisors on duty**

CD5 A policy in respect of searching patrons entering the premises

Consideration should be given to whether searches of customers entering the premises are required. It is expected that the need for searches will be determined by risk assessment.

Any search policy is expected to include provision for the following circumstances:

- a) **Records maintained of searches and seized items** - Records should be maintained of any searches where prohibited items are seized and removed. Records should be made available to the police.
- b) **Circumstances under which searches will be conducted?** – Risk assessments should be conducted to consider when searches are appropriate.
- c) **Location of where searches will take place** – Areas should be covered by CCTV and not in isolated areas.
- d) **Use of detection devices to detect weapons and drugs and when and where will they be used** – Consideration for appropriate detection devices should be risk-assessed and employed as necessary.
- e) **Putting procedures in place for the seizure and retention of recovered drugs and other prohibited items** – Items recovered should be kept in a secure location and the police notified.

CD6 A documented policy for searching the premises building

The premises should have a documented policy which includes searches before the premises opens, during hours of operation and at closing.

CD7 Consideration of designing out crime in the layout of the premises

Consideration should be had to best practice advice such as the 'Licensed Property: Security by Design' (BBPA) or at www.securedbydesign.com (ACPO).

CD8 Comprehensive use of risk assessments for activities at the premises

Risk assessments should be regularly reviewed and any appropriate action implemented immediately. Risks identified should be recorded and updated when appropriate. Consideration should be given to the risks associated with the activities of the business, the clientele, the Key Factors in this Policy Statement, the nature of the area the premises is located as well as any appropriate individual circumstances.

CD9 Use of Nitenet at the premises

Late night premises in the City Centre are expected to consider subscribing to the Nitenet System, which enables the rapid dissemination of information on criminal activity throughout the City Centre.

CD10 Documented reporting procedures in place at the premises

Applicants should record important and relevant incidents that occur at the premises. Such records should be made available upon request by a Responsible Authority.

Recordable incidents could include:

- Accidents
- Lost and found property
- Refused sales of alcohol
- Thefts
- Banned and ejected persons
- Other incidents
- Injuries
- Allegations against staff

CD11 Management of externally promoted events at the premises

Promoters should be required to complete the promoter pro-forma and notification be given to the GMP and the Licensing Authority no later than 28 days before the event.

CD12 Documented staff training

Documented staff training should be conducted, particularly in relation to activities consistent with the licensing objectives including (but not limited to):

- Age restrictions in respect of products
- Responsible Alcohol Service, including recognising signs of drunkenness, refusal skills, drugs awareness.
- Company policies and reporting procedures (see above)
- Managing and resolving conflict

Records of all training should be documented and kept on the premises available for inspection by the Responsible Authorities.

CD13 Maintaining a safe capacity and recording of customer numbers

Capacity should be managed effectively and in accordance with an appropriate risk assessment. Advice should be sought from Greater Manchester Fire and Rescue in relation to the safe capacity for your premises and how it should be managed.

CD14 Effective monitoring of internal areas

Applicants should consider how the premises shall be supervised internally such as whether internal patrols will be conducted, which areas will be covered by CCTV, whether security staff will be employed and, if so, where as well as any other appropriate measures.

CD15 Measures are in places to prevent and deal with drunkenness at the premises

Premises should have a written policy in relation to drunkenness. Premises should not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

The 'Responsible Alcohol Service' Guide provides useful information in relation to such issues. The Guide can be downloaded at www.manchester.gov.uk/la2003 or is available to order from the Licensing Unit.

Consideration should also be given to:

- Taking practical steps to prevent drink driving
- Displaying responsible drinking information and posters throughout the premises including toilet areas
- Participating in the Think Safe Drink Safe Card Scheme (www.tsdscard.com)
- Ensuring alcohol-free options are readily available
- Making appropriate arrangements to ensure the safe transport home of vulnerable customers.

CD16 Drinks promotions operated at the premises

Consideration should be given to how any promotions could impact upon the mandatory licence condition for on-licensed premises prohibiting irresponsible promotions. It is expected applicants have reference to recognised codes of practice in respect of the responsible sale and promotion of alcohol products such as those issued by the British Beer and Pub Association, Portman Group and Drinkaware Trust.

CD17 Provision of CCTV at the premises

Details of CCTV cameras should be provided (both internal and external). Where used, CCTV should be at least in accordance with the recommended minimum standards (see Appendix 6).

CD18 Prevention of illegal drug use and anti-spiking at the premises

Applicants would normally be expected to have written policies in respect of illegal drugs being brought into or consumed on the premises and what action is taken to prevent it. A zero tolerance policy should be implemented regarding the use of illegal drugs on the premises. A drugs policy should also include what action the venue will take should anyone be caught with drugs on the premises and how the drugs will be disposed of. The use of toilet attendants, regular documented toilet checks and searches of the premises could be conducted.

CD19 A documented glass policy for the premises

Glass injuries are a serious problem in the UK, with approximately 5,500 glassings reported each year, and glasses or bottles being used in 5% of all violent crime. Applicants should risk assess the use of glassware on the premises and employ safer drinking vessels as appropriate. Risk assessments should also include the use of glass in external areas (if appropriate) as well as consideration of glass collections throughout the premises.

Public Safety

It is a matter for the applicant to determine the measures they consider necessary to promote the Public Safety objective with respect to their individual circumstances. The Expected Standards will not be appropriate to apply in every situation to every premises but applicants are expected to implement the measures considered appropriate to their operation as part of the operating schedule. Applicants are not restricted to consideration of those measures outlined in the Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

PS1 Fire Safety

Licensed premises should:

- Conduct a Fire Risk Assessment for the premises, which is reviewed as required and as a minimum, every 12 months.
- Ensure all fire equipment is inspected/serviced annually and documented

PS2 Use of a Daily Pre-Opening and Closing Checklist

Consideration should be given to implementing such checklists as they can help ensure that all necessary and routine actions are conducted consistently, ensuring good practice.

PS3 Documented staff training

Documented staff training should be provided, particularly in relation to activities consistent with the licensing objectives, including (but not limited to):

- First Aid
- Fire safety procedures

- Evacuation procedures
- Terrorist threats (predominately city-centre venues)
- Overcrowding

PS4 Anti-terrorism measures

Operators of licensed premises, particularly those located in the city centre, should have regard to the National Counter Terrorism Security Office (NaCTSO) publication "Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs".

PS5 Glass collection and spillage policy

Alcohol on-licensed premises should have policies and procedures in place to ensure effective and efficient collection of glasses and the cleaning-up of spillages throughout the premises

The Prevention of Public Nuisance

It is a matter for the applicant to determine the measures they consider necessary to promote the Prevention of Public Nuisance objective with respect to their individual circumstances. The Expected Standards will not be appropriate to apply in every situation to every premises but applicants are expected to implement the measures considered appropriate to their operation as part of the operating schedule. Applicants are not restricted to consideration of those measures outlined in the Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

PN1 Measures taken to prevent noise breakout from the premises

This relates to both internal and external areas. Measures such as double glazing, the use of an acoustic lobby, noise limitation devices and sound-proofing for internal areas would be relevant. Applicants should demonstrate the measures taken to address such issues.

PN2 Use of a last entry time for the premises

Consideration should be given to a curfew on entry times, which can reduce the possibility of persons causing noise and disturbance late at night who may have been attracted to the premises.

PN3 Communicating with local residents and businesses

Applicants should demonstrate how they will communicate with local residents and businesses, particularly to address and resolve relevant problems. This could include providing contact telephone numbers to local residents to report any issues direct to the premises so that it can be dealt with. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises is open to

the public so that any issues can be addressed without delay. Applicants could also arrange regular meetings with neighbours to ensure good relations.

PN4 Management of exterior spaces (e.g. beer gardens, smoking areas)

Where the premises include any exterior areas, applicants should demonstrate what measures are in place to prevent issues that may give rise to problems. Relevant considerations should include:

- a limit on numbers of patrons in such areas;
- whether there is a curfew on using them;
- how they will be delineated, if relevant
- how will they be kept clean and free of litter, particularly at the end of trading
- what supervision will be in place
- will they be covered by CCTV
- will glass be allowed outside
- what glass collection arrangements will be in place
- how they will avoid customers causing noise disturbance

PN5 Cleansing arrangements

Where the licensable activities could give rise to the litter being dropped in the vicinity of the premises, applicants are expected to detail the measures put in place to prevent this occurring and/or tidy it up.

PN6 The management of flyers and other promotional material

The irresponsible use of flyers can cause major litter problems. Applicants should ensure that the use of flyer and other promotional material will be done in a responsible and appropriate manner. It should be noted that Permits are required for flyering in various areas of the city. Applicants should be able to demonstrate that no unauthorised activity will be conducted.

PN7 Arrangements for secure storage of refuse

Applicants are expected to be able to demonstrate adequate and secure storage for refuse appropriate for the nature of their business.

PN8 Arrangements in place for deliveries

Consideration should be given to how and at what times deliveries are made to the premises to avoid disturbance.

PN9 Measures to prevent customers causing disturbance when they are leaving

Applicants should outline the measures that will be taken. Relevant considerations could include:

- Prominent display of notices requiring courtesy for neighbours
- Preventing customers from congregating outside
- Providing advice on public transport
- Providing contact details for taxi/private hire firms and provision of a call back service
- Use of a dedicated taxi/private hire service
- Implementing a dispersal policy based upon good practice.
- Use of a winding-down period
- The role of door supervisors in managing persons leaving

PN10 Membership of Pub and Club Network/Off Licence Forum or other recognised partnership group

Licensees should commit to work in partnership through local business groups, which can provide useful forums to keep abreast of local issues and developments, where such groups operate in the area.

PN11 Maintaining regular dialogue with local residents and businesses

Licensees are encouraged to consult with local residents and businesses prior to submitting applications. Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses within the local area to ensure that any issues that may arise in respect of the operation of the premises can be addressed at the earliest possible stage and ensure the promotion of the licensing objectives.

The Protection of Children from Harm

It is a matter for the applicant to determine the measures they consider necessary to promote the Protection of Children from Harm licensing objective with respect to their individual circumstances. The Expected Standards will not be appropriate to apply in every situation to every premises but applicants are expected to implement the measures considered appropriate to their operation as part of the operating schedule. Applicants are not restricted to consideration of those measures outlined in the Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

CH1 Risk assessment where children allowed on the premises

Applicants should have regard to what specific risks may arise with regard to the presence of children on the premises. Relevant considerations could include:

- Will access be restricted to certain areas of the premises
- Is there adequate supervision
- Are the areas covered by CCTV

CH2 The provision of gambling machines on the premises

Consideration should be given to ability to supervise their use with regard to location to ensure underage persons do not play them with regard to any code of practice issued by the Gambling Commission and advice from the Licensing Authority.

CH3 The nature of the entertainment at the premises

Where adult-only entertainment is provided, children should be prevented from being on the premises when such entertainment is taking place.

CH4 The prevention of proxy sales of alcohol from the premises

Applicants are expected to consider what arrangements they can put in place to prevent this occurring. Possible measures could include:

- Regular checks around and/or outside the premises for underage persons encouraging adults to purchase alcohol for them
- Use of CCTV, particularly in external areas
- Displaying prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved

CH5 The use of child performers

It is expected that any child performers would be properly licensed and a nominated adult acting in a supervisory capacity.

CH6 Age-restricted films

Where appropriate, applicants should provide details of the measures in place to ensure relevant age restrictions are complied with.

CH7 Measures to prevent underage sales/access at the premises

Applicants are expected to consider measures taken to ensure how any age restrictions would be managed. Relevant considerations could include:

- details of what forms of ID are acceptable
- the use of till prompts
- the maintenance of refusal logs
- staff training

CH8 Documented staff training

Documented staff training is expected, particularly in relation to activities consistent with the licensing objectives, including (but not limited to):

- Identification and refusal of underage sales
- Age restricted products
- Any access restrictions to the premises by children

CH9 Provision of child welfare information

Where children are allowed on the premises, information should be available on what to do if there is a cause for concern regarding a child's welfare. This can include reporting to Manchester Safeguarding Children Board (www.manchesterscb.org.uk), or telephone number for the Contact Centre for Social Care (0161 2558250) or NSPCC Helpline (0808 800 500)

10 Off Sales of Alcohol (KF5)

- 10.1 Manchester City Council has implemented Designated Public Place Orders in several areas throughout Manchester in order to help address and prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of anti-social behaviour, often involving underage persons which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that pre-loading of alcohol by persons consuming it on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.
- 10.2 The Licensing Authority therefore adopts the following policy in relation to premises exclusively licensed for the sale of alcohol for consumption off the premises:
- 10.3 Where any Responsible Authority make representation against the grant of a licence for off-sales and, following a hearing the committee are satisfied that there is evidence of serious concerns over demonstrable problems of street drinking or late night disorder associated with the off sale of alcohol in the area; there shall be a presumption against granting a licence. Applications shall only be granted where the Licensing Authority is satisfied the grant of the licence would not harm the licensing objectives following a hearing.
- 10.4 Where relevant representations are made, the Licensing Authority will also have particular consideration to the hours requested for sales of alcohol. Persons who are alcohol dependant may be drawn to particular premises if they are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late-night disorder, the hours for alcohol sales from the premises may be restricted.
- 10.5 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.

11 Adult Entertainment (including striptease, nudity and other entertainment of a sexual nature)

- 11.1 The Licensing Authority will have regard to the following additional matters in addition to the Key Factors in respect of applications to provide adult entertainment including entertainment of a sexual nature, including nudity, striptease and lapdancing.
- 11.2 To ensure that premises that provide such entertainment, the Authority will also take into account the location of the premises in relation its proximity to the following sensitive uses (in addition to the Location factors in Section 8 (KF2)):
- Near to housing and residential accommodation
 - Near schools, play areas, nurseries, children's centres or other educational establishments;
 - In family shopping or leisure areas;
 - Near places of worship;
 - Near historic buildings or tourist attractions.
 - Other places where such entertainment takes place
- 11.3 Additionally, the Licensing Authority expects applicants to have consideration of additional measures in their operating schedule when applying to provide adult entertainment, where they are considered necessary for the promotion of the licensing objectives:
- The exclusion of under 18s from the premises
 - A code of conduct for customers
 - A code of conduct for dancers and performers
 - Documentary checks for dancers and performers including proof of age, identity and (where appropriate) proof of permission to work.
- 11.4 It is expected that any codes of conduct would be developed in consultation with the Licensing Authority and Greater Manchester Police.

12 The Use of Tables and Chairs on the Public Highway

- 12.1 Licensed premises that wish to provide tables and chairs on the public highway may only do so under permission of a Tables and Chairs licence issued by Manchester City Council's Highways Department.
- 12.2 Tables and chairs licences are subject to their own specific restrictions including limitations on the hours during which glassware may be used and the number of tables and chairs that may be provided.
- 12.3 Where these areas include the provision of any licensable activities, including the sale of alcohol by way of a mobile payment terminal, this area must be included in the plan attached to the premises licence or club premises certificate.
- 12.4 Licence and Certificate holders are expected to have specific regard to the impact upon the licensing objectives that the operation of any areas on the public highway that are licensed for tables and chairs, might have.
- 12.5 Applicants are expected to have regard to the following issues:
- Risk assessment for the use of glassware and ensuring glass collections are conducted regularly or as necessary.
 - Supervision arrangements including the provision of registered security staff

13 Premises Licences for large-scale public Events

- 13.1 Manchester City Council's Events and Leisure Unit holds a number of premises licences for public areas throughout the city. If you wish to hold an event in a public space in Manchester, it is strongly recommended that you first contact Manchester City Council's Licensing Unit.
- 13.2 Applicants are expected to have regard to the management standards in Section 9 of the Policy as well as addressing the following elements:
- a) Overall event safety control
 - b) Production details
 - c) Medical and first aid provision
 - d) Site management and the structural integrity of all temporary structures
 - e) Crowd management, stewarding and security
 - f) Fire safety and control
 - g) Configuration and control of sound systems
 - h) Management of any on-site and off-site car parking
 - i) Management of concessions and franchises
 - j) Provision and maintenance of water supplies
 - k) Welfare and provision of information
 - l) Provision and maintenance of sanitary facilities
 - m) Reception collection and removal of litter and other waste
 - n) Liaison with local residents and businesses
- 13.3 Relevant details in respect of the above may include:
- The proposed capacity of the event
 - The provision of Plans to agreed scales detailing exits, entrances, temporary bars, marquees and all facilities to be provided within the premises.
 - Details of proposals for entertainments, together with information regarding any special effects.
 - Details of proposals for concessionary activities including food franchises, bars, restaurants and non food retail sales.
 - An alcohol management plan which will include details of :

- i) The designated premises supervisor
 - ii) Personal licence holders
 - iii) Control of the sale of alcohol
 - iv) Proof of age policy
 - v) Promotion of responsible drinking
 - vi) Appropriate signage
- A Safety Policy and Risk Assessment for the event.
 - Details of arrangements for co-ordinating and controlling event safety on site.
 - A site safety plan including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements.
 - Incident contingency and emergency plans (including a Major Incident Plan).
 - A crowd management, stewarding and security plan (taking into account the views of Greater Manchester Police).
 - A medical ambulance and first aid plan.
 - A fire safety plan.
 - A traffic management plan as drawn up in consultation with the Traffic Sub-Group that will involve the event organiser and their contracted service providers, all relevant identified departments of Manchester City Council, Greater Manchester Police, Greater Manchester Fire Service, North West Ambulance Service, GMPTE, Metrolink and private sector partners and suppliers. Where areas covered by other local authorities could be affected by the event, relevant departments of those respective authorities should also be included.
 - A sound assessment with details and proposals for monitoring and controlling sound emission.
 - Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water.
 - Details for the reception collection, litter and disposals of other waste.
 - Details of welfare arrangements facilities and provisions for information on site.
 - Details of the arrangements and facilities for disabled persons.
- 13.4 Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside of the licensable area include:
- Putting in place plans which will assist to minimise disruption to the day to day lives of local residents, businesses and existing operations for the period of the event.

- Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimises the impact of visitors to the area for the event – whilst maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, transport and parking provision.
 - Putting in place a strategy to manage the consumption of alcohol by visitors accessing and egressing the event in the public realm and highway.
 - Putting in place a strategy for the control of access to and egress from the Licensed Premises for the control of disorderly behaviour.
 - Providing facilities external to the Licensed area that will assist in the management of the access and egress of visitors to the event – and minimise the impact on the existing public realm – including, but not restricted to additional toilet facilities and a designated park and ride area.
 - Putting in place a cleansing strategy beyond the immediate perimeter of the Licensed Premises in association with the Local Authority.
 - Providing communication channels to the local community that will enable residents and businesses to access sufficient detailed information prior to the event days.
 - Providing a hot-line and information phone number to residents and local businesses for the duration of the event.
- 13.5 Applicants should have reference to The Event Safety Guide - A Guide to Health, Safety & Welfare at Music and Similar Events, commonly referred to as “The Purple Guide”.

14 Personal Licences

- 14.1 A Personal Licence authorises a person to sell or supply, or authorise the sale or supply, of alcohol on a licensed premises.
- 14.2 A Personal Licence lasts for 10 years and is granted by the local authority where the person ordinarily resides. The licence is portable although changes of home address must be notified to the issuing Licensing Authority.
- 14.3 In order to be eligible, a person must be:
- a) 18 years or over
 - b) Possess an accredited licensing qualification
 - c) Must have not forfeited a personal licence in the last 5 years
 - d) Must have no unspent convictions (offences related to dishonesty, licensed premises or personal licence, firearms, violence, drink drive and other alcohol related offences in the UK or abroad)
- 14.4 Where an applicant for a personal licence has an unspent conviction for a relevant offence, the Licensing Authority will consult with the police who shall consider whether an objection is necessary based upon a likely breach of the crime prevention licensing objective.
- 14.5 Where the police have issued an objection notice, the policy is that, following a hearing, the Licensing Authority will refuse the application unless there are exceptional and compelling circumstances which justify granting it.

15 Temporary Event Notices

- 15.1 Temporary Event Notices, commonly referred to as “TEN’s”, can be used to authorise premises for licensable activities for temporary periods or specific occasions.
- 15.2 Unlike applications for premises licences and club premises certificates, the Licensing Authority does not grant Temporary Event Notices. Instead, the premises user notifies the Licensing Authority of their intention to hold an event and, in general, only the police can intervene to prevent it taking place or agree modifications to the event arrangements.
- 15.3 TEN’s are subject to a number of defined limits and it is only when one of these is exceeded, that the Licensing Authority can intervene. Otherwise, the Licensing Authority will just acknowledge the Notice.
- 15.4 The limits applicable to TEN’s are:
- **the number of times a person (the “premises user”) may give a temporary event notice** (50 times per year for a personal licence holder and 5 times per year for other people);
 - **the number of times a temporary event notice may be given for any particular premises** (12 times in a calendar year);
 - **the length of time a temporary event may last** (96 hours);
 - **the maximum total duration of the periods covered by temporary event notices at any individual premises** (15 days); and
 - **the scale of the event in terms of the maximum number of people attending at any one time** (less than 500).
- 15.5 Temporary Event Notices must be submitted to the Licensing Authority no less than 10 working days before the first day of the event. A “working day” as defined by the Licensing Act is any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. “Ten working days” notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the TEN is given.
- 15.6 If the required notice is not given, the TEN cannot be acknowledged by the Authority. Therefore, it is advisable to provide as much notice as possible.
- 15.7 Greater Manchester Police may object to a TEN within 48 hours of being notified of the TEN. An objection can only be made on the grounds of the Crime Prevention licensing objective. Where an objection is received (and not withdrawn), a hearing will be held to determine whether the event may proceed.
- 15.8 The police may withdraw their objection notice at any stage if the proposed premises user agrees to modify the proposal to meet their concerns. A copy of the modified Notice should then be provided to the Licensing Authority by the police as proof of the agreement.

- 15.9 Where, following any representations at the hearing, the Licensing Authority is not satisfied that the event will ensure the promotion of the crime prevention licensing objective; the policy is to issue a counter notice against the Temporary Event Notice.

16 Designated Premises Supervisors

- 16.1 Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the Designated Premises Supervisor (DPS).
- 16.2 All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person. Applicants for new licences that authorise the sale of alcohol should include the prescribed information in respect of the individual who the applicant wishes to have specified in the premises licence as the premises supervisor.
- 16.3 Applications must be in the prescribed form and accompanied by the specified documents and fee. Applications to vary an existing licence to specify a new person as the premises supervisor must be made in the prescribed form and be accompanied by the specified documents and fee.
- 16.4 Responsible Authorities will typically look to develop constructive working relationships with Designated Premises Supervisors and the Licensing Authority expects that this is reciprocated to promote effective partnership working relations with the trade.
- 16.5 The Guidance to the Licensing Act states that “the designated premises supervisor is the key person who will usually be charged with day to day management of the premises including the prevention of disorder”. The Licensing Authority will not normally impose conditions related to the management competency of designated premises supervisors, save where it is considered necessary that in the circumstances associated with a particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.
- 16.6 In exceptional circumstances, the police may object to the appointment of an individual as a designated premises supervisor.
- 16.7 Where, following an objection by the police, the Licensing Authority are satisfied that the appointment of a person as a Designated Premises Supervisor would undermine the crime prevention licensing objective, the policy is to refuse the appointment or to remove them as the DPS in circumstances where they are already in post.

17 Enforcement and Monitoring

- 17.1 It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so.
- 17.2 The Licensing Authority works particularly closely with the Responsible Authorities including its partners at Greater Manchester Police and Greater Manchester Fire and Rescue Service, based upon the principles of partnership working, in order to most effectively address licensing related issues.
- 17.3 The Licensing Authority takes a risk-based approach proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises upon crime and disorder, public nuisance, problems concerning public safety and the protection of children from harm. Therefore, higher-risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises.
- 17.4 Failure to promote the licensing objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee including removal of licensable activities, reductions in hours, or ultimately revocation of the licence.
- 17.5 Additionally, where offences are committed, prosecution may be considered.
- 17.6 The Licensing Authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.
- 17.7 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.

18 Minor Variations

- 18.1 Under sections 41A to 41C of the Licensing Act 2003, an application may be made for small variations that will not impact adversely on the licensing objectives by way of a simplified 'minor variations' process.
- 18.2 Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display a white notice at the premises in accordance with Regulations for no less than 10 working days, starting on the working day after the minor variation was given to the Licensing Authority.
- 18.3 Upon receipt of an application for a minor variation, the Licensing Authority shall consider whether the variation could adversely impact upon the licensing objectives. In considering the application, the Licensing Authority will consult relevant Responsible Authorities if there is any doubt about the impact of the variation on the licensing objectives or it requires specialist advice.
- 18.4 The Licensing Authority will also take into account any relevant representations received from Interested Parties in making a decision on a minor variation application. There is no right to a hearing under the minor variation procedure.
- 18.5 Applications must be determined no later than 15 working days, beginning on the first working day after the application was received by the Licensing Authority. There is no right of appeal against the decision of the Licensing Authority.
- 18.6 Where the Licensing Authority considers that the variation could adversely impact upon one of more of the licensing objectives, the application will be refused. If the application is not determined within 15 working days, the applicant will initially be offered the opportunity to treat the undetermined application as a new application.
- 18.7 Minor variations generally fall into four categories:
- Minor changes to the structure or layout of the premises
 - The removal of out of date, irrelevant or unenforceable conditions
 - The addition of volunteered conditions
 - The addition of certain licensable activities
- 18.8 Applications to remove licensable activities will normally be approved as minor variations.
- 18.9 Variations to:
- Extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or

- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are **excluded** from the minor variations process and must be treated as full variations in all cases.

19 Film Classifications

- 19.1 Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with:
- EITHER the BBFC classification;
 - OR where the film is not classified by the BBFC, any recommendations made by the Licensing Authority.
- 19.2 In accordance with the Guidance issued under s182 of the Licensing Act 2003, the Licensing Authority shall concern itself primarily with the protection of children from harm when classifying films. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the licensing objectives.
- 19.3 The Guidance states “The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided”.
- 19.4 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.
- 19.5 Requests for certification by the Licensing Authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing Unit. Requests should include:
- (a) a DVD copy of the film;
 - (b) details of any existing classification issued by an existing classification body, whether within or outside the UK;
 - (c) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
 - (d) such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
 - (e) proposal of age restriction by the applicant

Appendices

Appendix 1 – The Licensing Unit and Responsible Authorities

Below are the contact details for the Licensing Unit for the submission of applications and advice or enquiries about licensed premises.

Licensing Unit (Premises)

Premises Licensing Team		www.manchester.gov.uk/la2003
PO Box 271		premises.licensing@manchester.gov.uk
Manchester		0161 234 4512
M18 8YU		0161 274 7249 (Fax)

Below are the Responsible Authorities in Manchester for the purposes of the section 13(4) of the Licensing Act 2003.

Greater Manchester Police


City Safe Licensing		www.gmp.police.uk
Bootle Street Police Station		centrallicensing@gmp.police.uk
Bootle Street		0161 856 3363
Manchester		
M2 5GU		

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		www.manchesterfire.gov.uk/authority/
Greater Manchester Fire & Rescue Service		n/a
Manchester Central Fire Station		0161 608 5310
Thompson Street		
Manchester		
M4 5FP		

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

The Fire Safety Manager		www.manchesterfire.gov.uk/authority/
Greater Manchester Fire & Rescue Service		
Withington Central Fire Station		n/a
Wilmslow Road		
Withington		0161 908 5410
Manchester		
M20 4AW		

Health and Safety

Local Authority premises, Hospital premises and some University premises

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

All other premises

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

Environmental Health

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




Planning

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

Trading Standards

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

Manchester Safeguarding Children Board

Manchester Safeguarding Children Board		n/a
c/o Licensing Administrator		
2nd Floor		glicensing@manchester.gov.uk
Overseas House		
Quay Street		0161 234 7008
Manchester		
M3 3BB		

The Inland Navigation Authority

(in relation to vessels on the Bridgewater Canal and Manchester Ship Canal only)

Manchester Ship Canal Co.		www.shipcanal.co.uk
Peel Dome		
Trafford Centre		n/a
Manchester		
M17 8PL		0161 629 8266

Appendix 2 – Definition of Interested Parties

Section 13 of the Licensing Act 2003 defines “interested parties” as:

- a) a person living in the vicinity of the premises in question;
- b) a body representing persons living in that vicinity, for example, a residents’ association, or a parish or town council;
- c) a person involved in a business in the vicinity of the premises in question;
- d) a body representing persons involved in such businesses, for example, a trade association; and
- e) a member of the relevant licensing authority, i.e. elected councillors of the licensing authority for the area in which a premises is situated

Appendix 3 – Relevant Information for Residents and other Interested Parties

This section provides details relevant to local residents and business in making representations against licence applications or reviews against existing licences and club premises certificates. In this section, references to ‘licences’ shall also be relevant to ‘club premises certificates’.

Local residents and businesses can play an important role in the licensing process as it will be they who are most likely to be directly affected. This section provides useful information for Interested Parties relevant to the licensing process. Further useful information and guidance can be found on the Council’s website at www.manchester.gov.uk/la2003 and also at the Department for Culture, Media and Sport’s website at www.culture.gov.uk.

Finding out about the application

Applicants for new licences are required to advertise the application in 2 ways by:

1. Placing a notice at or on the premises

- On A4 (or larger) pale blue paper (or on white paper, in the case of an application for a Minor Variation).
- Printed legibly in black ink or typed in a font of at least 16.
- Placed prominently at or on the premises where it can be conveniently read from the exterior of the premises.
- Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable).

2. Placing a notice in a newspaper

- Newspaper circulation must be in the vicinity of the premises (or if there isn’t a local paper, in a local newsletter or circular).
- Advertisement will be at least once in the 10 days following the application being given to the licensing authority.

Both of these notices are required to give a brief description of the application.

Additionally, the Licensing Unit provide email notifications of applications received by the Licensing Authority on a ward-by-ward basis. You can receive notifications by contacting the Licensing Unit (see Appendix 1) and providing a valid email address and confirming the wards you wish to receive notifications for. Whilst the Licensing Unit will normally advise of all applications within the ward, the council is not legally required to do so. This information is provided as a courtesy to members and residents and there may be occasions when notice is not provided. Therefore, it is good practice to regularly check the council’s register of licence applications and notices on premises in your local area.

Licensing Register

The Licensing Authority's 'licensing register' is available online at:

www.manchester.gov.uk/la2003/licensingregister

The Licensing Register contains copies of all premises licences and club premises certificates in Manchester and is being updated to include copies of application forms for active applications which will include the full proposed operating schedule. Additionally, an application can be viewed in person upon appointment with the Licensing Unit or a copy can be provided upon request.

Representations

A representation must :

- (a) be made by either a Responsible Authority (see Appendix 1) or Interested Party (see Appendix 2)
- (b) be made in writing to the Licensing Authority;
- (c) be received by the Licensing Authority no later than 28 days after the date the application was made (10 days for a minor variation)
- (d) must relate to the likely effect of the granting of the application upon one or more of the licensing objectives, which are:
 - The prevention of crime and disorder;
 - The prevention of public nuisance;
 - Public safety; and
 - The protection of children from harm

Potential issues could include noise or disturbance from the premises, previous examples of crime and disorder associated with the premises, litter problems associated with the premises or provision of activities not suitable for children where children could be admitted.

However, representations do not have to be objections and can be made in support of an application.

Representations may be made by email and the Licensing Authority does not require email representations to be followed up with a hard copy. Representations should be made to:

By post:

The Licensing Unit (Premises Team)
Manchester City Council
PO Box 271
Manchester
M18 8YU

By Email:

premises.licensing@manchester.gov.uk

Good practice for making a representation

- In accordance with (d) above, link the grounds of the representation to one or more of the licensing objectives
- Provide an evidential base for the grounds of the representation; which could include documentary, photographic or video evidence of the particular issues.
- Ensure the representation is specific to the premises
- Consult the Licensing Policy, in particular the Key Factors, and consider their relevance in relation to the application.
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the application's operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities.
- If you are making a representation in support of an application, explain how the proposed application would promote the licensing objectives.
- Representations will not be considered if they are considered as 'frivolous' or 'vexatious' by the Licensing Authority. 'Frivolous' and 'vexatious' have their ordinary meaning; therefore, the Licensing Authority might disregard representations that are made because of a business dispute between rivals or representations that lack seriousness.
- It is not possible to make representations anonymously, even if someone is making a representation on their behalf (e.g. local MP or councillor). This is because the Licensing Authority must be satisfied that the person lives or has a business interest in the vicinity of the premises. Additionally, it is important that the applicant has the ability to respond to a representation.

The Role of Councillors

Councillors are able to make their own representations in their capacity as a Member of the Council. If you have concerns over a premises and do not wish to submit a representation yourself, an alternative is to contact your local councillor to enquire whether they will make a representation. However, it is a matter for Members whether they accept. It is recommended that such requests are made in writing so that any request can be clearly demonstrated.

Additionally, if you have made a representation, you can elect any person, including a local councillor, to represent you at the hearing to determine the application. As above, any request should be made in writing so that the Licensing Authority can be satisfied the person has been nominated by you.

Problems with Existing Premises

Section 17 of this Policy provides details on the enforcement approach by Manchester City Council and there are a range of enforcement measures available to agencies which can be used depending on which is most appropriate to the issues to be addressed.

Any person that is encountering problems related to a licensed premises should contact the Licensing Authority in the first instance to report the problem. Please contact Manchester City Council's Environmental Health Service:

Email: EnvH.Licensing@manchester.gov.uk or

Telephone: 0161 954 9000

Additionally, Interested Parties can apply in their own right for a Review of a licence (see separate Guidance notes).

The Licensing Authority encourages licensed premises and local residents and businesses to work together in achieving the promotion of the licensing objectives and in certain circumstances, it may be constructive for local residents to approach the manager of the licensed premises in the first instance. Alternatively, any problems can just be reported to the Licensing Authority for them to address with the premises on your behalf.

Petitions

Whilst there is no prescribed format for petitions and the Licensing Authority has no power to prescribe the form of petitions, it is suggested that individuals may find the following format useful for petitions submitted in respect of a licence application.

Each page should include:

- i) The premises name and address
- ii) The details of the application
- iii) The prayer of the petition i.e. what the basis of it is
- iv) The full name and address (in print) and signature of each person supporting the petition

Additionally, the petition should only be signed by persons considered to be "interested parties" (see Appendix 2).

Appropriate weight will be given to petitions having regard to the above.

Petitions in respect of an application shall only be accepted in support of a relevant representation submitted by either a Responsible Authority, Interested Party, or by the Applicant. Where a petition is received, it shall be considered as support for the representation (or application) it was submitted with; the Licensing Authority will not consider each signatory as a representation and so shall not contact each individual signatory.

Appendix 4 – Mandatory Conditions

Door Supervisors

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -

- a) Unauthorized access or occupation (e.g. through door supervision),
- b) Outbreaks of disorder, or
- c) Damage

Community Premises Alternative Mandatory Condition

Every supply of alcohol under the premises licence must be made or authorised by the management committee.

Exhibition of films

The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:

- a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

Supply of alcohol

- 1 No supply of alcohol may be made under this premises licence:
 - a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

From 1 October 2010

- 6 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 The responsible person shall ensure that–
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up

in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
- c) customers are made aware of the availability of these measures.

Appendix 5 – Disapplication of Mandatory Conditions for Community Premises

Community Premises

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 amended the 2003 Act to allow certain “community premises” which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include an alternative licence condition instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act requiring a designated premises supervisor to be specified on the premises licence and for all sales of alcohol to be authorised by a personal licence holder. Instead, the alternative condition only requires that every supply of alcohol under the premises licence must be made or authorised by the management committee.

Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the “management committee”). If such an application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. All such sales will have to be made or authorised by the licence holder. There will be no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder.

“Community premises” are defined as premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.

Where it is not clear whether the premises constitute a community premises, the Licensing Authority will approach the matter on a case-by-case basis. The main consideration in most cases will be how the premises are predominately used. The Licensing Authority will need to be satisfied that the premises are genuinely made available for community benefit most of the time and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole. The fact that premises may be available for private hire by the general public will not normally be sufficient for such premises to qualify as “community premises”.

Management of the Premises

The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers e.g. the Chair, Secretary, Treasurer.

Where the management arrangements are less clear, The Licensing Authority may require further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application (subject to the views of the police). Community premises may wish to check with the Manchester City Council's Licensing Unit before making an application. The management committee is strongly encouraged to notify the Licensing Authority if there are key changes in the committee's composition e.g. to the Chair, Secretary, Treasurer and to submit a copy to the Chief Officer of Police. A failure to do so may form the basis of an application to review the premises licence, or be taken into account as part of the consideration of such an application.

Objections by Greater Manchester Police

In exceptional circumstances the Police can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority and/or interested party can seek reinstatement of the mandatory conditions through a review of the licence (as provided in section 52A of the 2003 Act). It is expected that Greater Manchester Police will consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements.

If the Police issue a notice seeking the refusal of the application to include the alternative licence condition, the Licensing Authority will hold a hearing in order to reach a decision on whether to grant the application.

Appendix 6 – Example Conditions

Annex D of the Section 182 Guidance to the Licensing Act 2003 sets out 4 pools of conditions for consideration in relation to the promotion of each of the licensing objectives. It is not intended to duplicate these in this Policy. However, Applicants, as well as Responsible Authorities and Interested Parties, may wish to consider which, if any, of the measures are considered necessary for the promotion of the licensing objectives in relation to the individual circumstances of an application.

However, these conditions are not regarded by the Licensing Authority as standard conditions which will be automatically imposed in all cases. Additionally, the list is not considered as definitive or exhaustive and, in appropriate cases, conditions tailored to the individual circumstances may be necessary.

In considering conditions to be attached to premises licences and club premises certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises
- not duplicate existing provisions
- be necessary and proportionate (supported by evidence)
- be capable of being met, and
- promote the Licensing Objectives

Appendix 7 – Recommended CCTV Specifications

In relation to the Crime and Disorder objective, with the fitting and use of a suitable CCTV, the following benefits are gained in relation to preventing and/or detecting crime:

- With suitable signage and visible monitors, would-be offenders are immediately made aware that their actions are being recorded. This usually has a deterrent effect.
- Following an act of crime or violence, good quality images assist with the identification and prosecution of offenders

Therefore, the following specifications are recommended in relation to the provision of CCTV system in licensed premises.

On-Licensed Alcohol Premises

- 1 Minimum of one high resolution, minimum of 450tvl colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weather-proof external housing, for external coverage of entrances.
- 2 Minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to cover each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of person's entering/leaving the premises.
- 3 There must be sufficient cameras able to cope with the normal operating illumination, located within the premises to cover all public areas.
- 4 Lighting in the foyer and outside must be of sufficient brightness to complement the quality of the camera images.
- 5 In addition to the control equipment it is recommended that an additional high-resolution 15" monitor must be sited in or near the bar area or foyer entrance. This will give customers and staff visible reassurance on the installation and quality of images provided.
- 6 All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis.

DVD SYSTEM

Although it will be acceptable for images to be recorded using conventional time lapse analogue video recorders it is recommended that if a digital multiplex recorder is installed it must meet the following requirements:

- 7 The unit shall have an on board CD/DVD re-writer for evidence recovery
- 8 If a CD/DVD is used to transfer the digital CCTV images from a digital hard drive CCTV system then a write once CD-R/DVD-R medium must be used. The disc

- containing the recorded images needs to be able to be played back on either Windows 2000 Professional or Windows XP.
- 9 The playback software needs to be written to the CD-R/DVD-R at the same time of writing the CCTV images. This software must be able to playback the images at full screen resolution with forward, reverse replay, including pause and slow motion.
 - 10 There must be a 'SAVE AS' feature so that a still image can be saved and exported to an external system in either BITMAP or a JPEG format.
 - 11 The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format i.e. an external hard drive that can be played back via a windows based computer.
 - 12 There shall be sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of The Police or an Authorised Officer.
 - 13 CCTV warning signs shall be fitted in public areas of the premises. A minimum of one notice shall be displayed in a prominent position at or near the entrance.
 - 14 The installing company must provide a certified letter of compliance to the specification; a copy of which must be provided to the Licensing Authority and Greater Manchester Police.
 - 15 The CCTV system shall be maintained and checked no less than every twelve months, with the installing company producing a letter of compliance.
 - 16 Recordings must be kept for a minimum of 31 days. This period may be reduced for premises that have a large number of cameras and long recording times with high resolution recordings that will make it impossible for the premises to adhere to the 31 days. The Police Licensing Section must be consulted in these circumstances and written consent be given by The Police specifying the reduced timescale.
 - 17 Recordings of incidents at the premises must be made secure for inspection by The Police.
 - 18 An Authorised Officer may at any time request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.
 - 19 The Designated Premises Supervisor or Premises Licence Holder must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
 - 20 Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
 - 21 In the event of a system malfunction, the Designated Premises Supervisor or Premises Licence Holder must immediately notify the Licensing Authority Tel: 0161 234 4512 and Police Licensing Department 0161 856 0037. Details of the malfunction must be recorded in the premises incident book. Arrangements for its

repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the system is again operational.

Off Licensed Premises and Takeaway Premises

- 1 Minimum of one high resolution, minimum of 450tvl colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weather-proof external housing, for external coverage of entrances.
- 2 Minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to cover each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of person's entering/leaving the premises.
- 3 There must be sufficient cameras able to cope with the normal operating illumination, located within the premises to cover all public areas.
- 4 Lighting in the foyer and outside must be of sufficient brightness to complement the quality of the camera images.
- 5 In addition to the control equipment it is recommended that an additional high-resolution 15" monitor must be sited in or near the till area. This will give customers and staff visible reassurance on the installation and quality of images provided.
- 6 All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis.

DVD SYSTEM

Although it will be acceptable for images to be recorded using conventional time lapse analogue video recorders it is recommended that if a digital multiplex recorder is installed it must meet the following requirements:

- 7 The unit shall have an on board CD/DVD re-writer for evidence recovery
- 8 If a CD/DVD is used to transfer the digital CCTV images from a digital hard drive CCTV system then a write once CD-R/DVD-R medium must be used. The disc containing the recorded images needs to be able to be played back on either Windows 2000 Professional or Windows XP.
- 9 The playback software needs to be written to the CD-R/DVD-R at the same time of writing the CCTV images. This software must be able to playback the images at full screen resolution with forward, reverse replay, including pause and slow motion.
- 10 There must be a 'SAVE AS' feature so that a still image can be saved and exported to an external system in either BITMAP or a JPEG format.
- 11 The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format i.e. an external hard drive that can be played back via a windows based computer.

- 12 There shall be sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of The Police or an Authorised Officer.
- 13 CCTV warning signs shall be fitted in public areas of the premises. At least one such notice shall be displayed in a prominent position at or near the entrance, minimum of A4 size.
- 14 The installing company must provide a certified letter of compliance to the specification; a copy of which must be provided to the Licensing Authority and Greater Manchester Police.
- 15 The CCTV system shall be maintained and checked no less than every twelve months, with the installing company producing a letter of compliance.
- 16 Recordings must be kept for a minimum of 31 days. This period may be reduced for premises that have a large number of cameras and long recording times with high resolution recordings that will make it impossible for the premises to adhere to the 31 days. The Police Licensing Section must be consulted in these circumstances and written consent be given by The Police specifying the reduced timescale.
- 17 Recordings of incidents at the premises must be made secure for inspection by The Police.
- 18 An Authorised Officer may at any time request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.
- 19 The Designated Premises Supervisor or Premises Licence Holder must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
- 20 Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
- 21 In the event of a system malfunction, the Designated Premises Supervisor or Premises Licence Holder must immediately notify the Licensing Authority Tel: 0161 234 4512 and Police Licensing Department 0161 856 0037. Details of the malfunction must be recorded in the premises incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the system is again operational.

Appendix 8 – Delegation of Functions

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	Licensing Committee	Licensing Sub-Committee	Officers
Application for personal licence		In cases of police objection	If no objection made
Application for premises licence/club premises certificate		In cases of police objection	If no objection made
Application for provisional statement		If relevant representation made	If no objection made
Application to vary premises licence/club premises certificate		If relevant representation made	If no objection 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 authorities		In cases of police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Determination of a minor variation			Principal Licensing Officer in conjunction with Chair of Licensing Committee
Substitution of alternative mandatory condition		In cases of police objection	All other cases
Attaching of interim conditions following a Summary Review		All cases	

APPENDIX B

Consultation Questions

For all questions, it will be beneficial for us if you can provide reasons to support your answers.

1. Is the Policy easy to read and clearly laid out?
2. Is the Policy easy to understand?
3. Do you consider that you would be able to apply the policy in respect of a licence application?
4. Do you agree with the types of premises the policy aims to encourage (KF1) in Section 6?
5. Do the Key Factors potentially address all of the issues relevant to licensed premises?
6. Should there be additional Key Factors? If so, what should these be?
7. Are the Standards to Promote the Licensing Objectives (KF4) in Section 9 appropriate and sufficient?
8. Is there anything not currently included in the Policy that you think should be included?
9. Please provide any general comments here.