

**Manchester City Council  
Report for Resolution**

**Report To:** Licensing Policy Committee – 16 November 2010

**Subject:** Revised Licensing Act Policy 2011 – 2014

**Report of:** Head of Street Management and Enforcement

---

**Summary**

To inform the Committee of the consultation responses received in respect of the draft revised Licensing Act 2003 Policy.

To present the Committee with a revised draft Statement of Licensing Policy that incorporates proposed amendments following consultation.

**Recommendations**

1. That the proposed amendments are agreed
  2. The policy is submitted to Council with a recommendation that the policy be approved and adopted with effect from 7 January 2011
  3. That the Committee request officers to conduct assessments of the need for special policies in respect of areas of concern identified in the consultation.
  4. That a further report be provided to the Licensing Policy Committee to provide the results of the assessments
- 

**Wards Affected:**

All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The Licensing Policy plays an essential role in establishing the standards to which licensed premises are expected to operate. The policy will ensure that only premises that are well-run and appropriate to the nature of the surrounding neighbourhood are licensed thereby positively contributing to the economy of the region and sub-region.
Reaching full potential in education and employment	
Individual and collective self esteem – mutual respect	
Neighbourhoods of Choice	The Licensing Policy provides a framework for the operation of licensed premises throughout Manchester. The Policy is the guide to all parties involved in the licensing process advising how Manchester City Council, in its role as the Licensing Authority, intends to exercise its licensing function. The Licensing Act 2003 provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives, in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

---

**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

---

**Contact Officers:**

Name: Fiona Sharkey  
Position: Head of Regulatory and Enforcement Services  
Telephone: 0161 234 1599  
E-mail: [f.sharkey@manchester.gov.uk](mailto:f.sharkey@manchester.gov.uk)

Name: Jenette Hicks  
Position: Licensing Unit Manager  
Telephone: 0161 234 4962  
E-mail: [j.hicks1@manchester.gov.uk](mailto:j.hicks1@manchester.gov.uk)

Name: Fraser Swift  
Position: Principal Licensing Officer  
(Premises)  
Telephone: 0161 234 1176  
E-mail: [f.swift@manchester.gov.uk](mailto:f.swift@manchester.gov.uk)

**Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Manchester City Council Licensing Policy 2008-2011  
Licensing Act 2003  
Guidance issued under section 182 of the Licensing Act 2003

## **1 Introduction**

- 1.1 On 23 July 2010, the Committee approved the draft Statement of Licensing Policy for consultation.
- 1.2 Under section 5 of the Licensing Act 2003, the Licensing Authority is required to revise its licensing policy at least every three years, although the Licensing Authority is able to revise the policy at any other time when a review is deemed necessary.
- 1.3 Consultation on the Policy was conducted in accordance with the Cabinet Office Code of Practice on Consultation, in a 12- week public consultation exercise between 26 July and 15 October 2010.

## **2 Results of the Consultation**

- 2.1 A total of 41 responses were received during the consultation period. These included responses from Manchester residents, Ward Councillors, Council Officials, Government Office North West, NHS, Manchester Drug and Alcohol Team, and solicitors representing the licensed trade.
- 2.2 The responses are summarised in Appendix A together with a brief explanation as to whether it is proposed to amend the policy in light of the individual consultation response. Any proposed amendment is listed in the right hand column of Appendix A.
- 2.3 The consultation responses received covered a variety of issues including:
  - Concerns regarding late night disturbance from licensed premises and the proximity of licensed premises to residential accommodation
  - Concerns about concentrations of licensed premises in different areas of the city
  - Concerns in respect of the detrimental effect upon health by alcohol
  - That sections of the policy were unclear and would benefit from diagrams
  - Requests for greater consultation with local residents by applicants
  - Requests for Cumulative Impact Policies
  - Concerns that the policy does not define the Standards in Key Factor 4 strongly enough
  - Concerns that the policy is too restrictive and weighted in favour of objectors
  - That technical language used in the Policy is difficult to understand
- 2.4 Members are advised to read the full responses to the consultation and copies are available at the respective Members' Services offices.
- 2.5 Members are advised that amendments to the draft Policy may only be made if a relevant response has been received during the consultation period.

- 2.6 The final proposed policy is attached at Appendix B.
- 2.7 A copy of the Policy displaying the tracked changes to the consultation version is available upon request from the Principal Licensing Officer.

### 3 Requests for Special Policies

- 3.1 Requests for special policies were made in respect of separate areas of the city to address the cumulative impact of licensed premises. The descriptions of the problems associated with licensed premises varied in respect of the area and type of premises. The table below summarises the issues identified in the consultation responses:

Area identified	Ward Affected	Problem Premises	Identified by
Moston Lane	Moston Harpurhey Charlestown	Off licensed premise	Ward Councillors
Briscoe Lane & Scotland Hall Road	Miles Platting and Newton Heath	Off licensed premises	Ward Councillors
Northern Quarter	City Centre Ancoats and Clayton	All licensed premises	Ward Councillors Local residents
Canal Street/Village	City Centre	All licensed premises	Ward Councillors
Fallowfield & Withington	Fallowfield Withington Old Moat	All licensed premises	Ward Councillors Local residents

- 3.2 The Licensing Policy sets out in Section 3 that:

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

3.3 It is proposed that evidence is gathered to assess whether, in the areas of concern identified in the policy consultation responses, crime and disorder or public nuisance are happening and are caused by customers of licensed premises located in such an area, in order to consider whether the adoption of a special policy to help address the issues identified is required.

3.4 Due to the different natures of the areas involved in the assessment, and the variety of associated problems, it is anticipated that evidence that may be relevant for one area may not be relevant to the problems encountered in other areas. Therefore, it is proposed that evidence collection is targeted to focus on the identified problems for that particular area.

3.5 All evidence will be presented to the Licensing Policy Committee in a further report for their consideration on whether any special policy is needed, and therefore consequently whether the Licensing Policy needs to be revised.

## **4 Conclusion**

### **Recommendations**

4.1 Members are asked to:

1. Note the responses to the public consultation and to agree the proposed amendments to the draft policy in light of these responses.
2. Recommend the policy is submitted to council with a recommendation that the policy be approved and adopted with effect from 7 January 2011
3. Request officers to conduct assessments of the need for special policies in respect of areas of concern identified in the consultation.
4. Request that a further report be provided to the Licensing Policy Committee to provide the results of the assessments

## **5 Contributing to the Community Strategy**

### **(a) Performance of the economy of the region and sub region**

Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, play an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

### **(b) Reaching full potential in education and employment**

### **(c) Individual and collective self esteem – mutual respect**

### **(d) Neighbourhoods of Choice**

The Licensing Policy provides a framework for the operation of licensed premises throughout Manchester. The Policy is the guide to all parties involved in the licensing process advising how Manchester City Council, in its role as the Licensing Authority, intends to exercise its licensing function. The Licensing Act 2003 provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives, in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

## **6 Key Policies and Considerations**

### **(a) Equal Opportunities**

### **(b) Risk Management**

### **(c) Legal Considerations**

All applications have to be processed in accordance with the requirements of the legislation. The Licensing Act 2003 is prescriptive in terms of who should be consulted on applications, and the timescales which have to be applied.

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR001</b>	Emily Smeaton	Resident	Northern Quarter	Policy fails to acknowledge the cumulative impact that results in city centre areas due to concentration of venues, or transient noise.	To be addressed in Northern Quarter Area Review	None
				Hours are paramount - earlier hours should be encouraged.	Hours is a Key Factor which sets out the relevant considerations - earlier hours will be expected in neighbourhood areas	None
				There should be a more explicit acknowledgement of a cumulative impact policy.	To be addressed in Northern Quarter Area Review	None
<b>LAPR002</b>	Inncourt	Solicitor	N/a	Recommend inclusion of Armed Forces Cards as appropriate ID	Policy does not state recommended forms of ID - now mandatory condition which states what is required	None
				Disputing need for 'Determination' hearing	Unless representations are actually 'withdrawn' they are still live and so need to be determined	None
<b>LAPR003</b>	MCC Trading Services (Steve Power)	MCC	N/a	Policy would benefit from schematic or flow charts	Include in policy	Diagrams included in Policy to map out key processes
				Suggests inclusion of recycling and sustainability as considerations	This can only be done if relevant to the promotion of licensing objectives	None



MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				Should an objective also be included that refers in some way to facilitating the successful operation of businesses – they after all are the ‘animators’ of a vibrant and attractive city.	Policy is designed to promote responsible businesses that have a positive effect on the city. Where no representations, an application will be granted. Policy also sets out what we encourage (KF1)	None
				I was told that specifically for Canal St it would be a condition of a tables and chairs license that the premises would have to clean the section of the new safety fence just outside their premises.	Tables and Chairs licences currently issued by Highways and so any conditions on their licences currently fall outside of Licensing Act Policy.	None
<b>LAPR004</b>	Phil Burke	Resident	Northern Quarter	Requesting Cumulative Impact Policy for Northern Quarter	To be addressed in Northern Quarter Area Review	None
				Residents "have to put up with all types of anti social behaviour well into the early hours , its is also an additional strain put on the policing of the area which is already poor or non existent especially at night , no extra lighting or cctv, additional cleaning of rubbish, bottles smashed, vomit, urine spattered over pavements , apartment / building doorways etc,"	To be addressed in Northern Quarter Area Review	None

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR005</b>	Sheryl Hurst	Resident	Northern Quarter	Operators could masquerade as an preferred type of operation at the early stages before changing over time into a bar (Thomas Bar & Restaurant, North Tea Power, Home Sweet Home)	Where nature of premises changes, there are review provisions where the licensing objectives are being undermined.	None
				Key Factors do not address all relevant issues - the cumulative factor of multiple licensed premises should be a key factor. Policy needs to include commitment to implementing a CIP. Claims that because applicants for new licences try to distinguish themselves from existing operations, licensing committees always grant applications despite residents objections. Area of Thomas Street and High Street have become a 'no-go' area for residents	To be addressed in Northern Quarter Area Review	None
				Policy puts burden of trying to address problems on residents and Responsible Authorities	To be addressed in Northern Quarter Area Review	None
				Nothing in this policy to indicate a change from current practices	Policy sets out the Key Factors to be considered/addressed which do not appear in existing policy.	None
				Members of Committees should periodically visit areas to witness effects	Not relevant consideration for Licensing Policy.	None
<b>LAPR006</b>	Jayne Taylor	Licensee (Off Licence)	Gorton	Experiences problems with parents buying alcohol directly for their own children. Attempts to prevent this and	Council works with partner agencies in attempting to educate and address	S17 (Enforcement and Monitoring) updated to advise licensees and

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
				breaches of the DPPO are met with abuse. Policy needs to include education on the law relating to alcohol sales.	alcohol-related problems in society e.g. TARC.	the public to contact Responsible Authorities for help with problems
<b>LAPR007</b>	Alison Firth Brendon Jones Simon Wheale Councillors for Withington Ward	Councillors	Withington	Request to implement accumulative impact assessments in the Fallowfield Withington. District Centres.  There is in both centres a proliferation of bars selling alcohol both for consumption on and off the premises. Each establishment also applies in turn for variation orders to sell alcohol latter until 3 am.  This produces a knock on effect in disturbed nights , noisy students returning home late waking up residents, breaking trees, dropping litter, bottles and cans dumped on the streets. The long term sustainability of Withington and Fallowfield as places for families to live and bring up children is threatened. One third of Withington moves every year.	To be addressed in Fallowfield and Withington Area Review	None
<b>LAPR008</b>	Chris Parker	GONW	N/a	Policy isn't always clear about who the sections are aimed at - licensees, public etc.	Layout to be reviewed. Policy is relevant to all parties.	1.5 included to clarify

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
				Policy would benefit from including some statistics and figures of premises in areas.	Areas constantly change and so would be impracticable to include figures and policy would immediately be out of date. Specific areas will be considered in Area Reviews	None
				There should be ratios of 'desired types of premises' and there should be a breakdown by area.	Not relevant consideration for Licensing Policy.	None
				Some wording makes processes and consequences unclear.	To be reviewed	Glossary and diagrams added
				Basics of processes should be mapped into a flowchart to make simpler to understand.	Include in policy	Diagrams added
				Language could be simpler in Appendix 3 and make reference to 'how to object' rather than make representation.	A representation is not necessarily just an objection. It can also be in support of an application. Section to be reviewed to be clear this is recognised.	None
				Would be useful to state why Key Factors have been chosen and what evidence there is for their successful impact.	Experience has shown these as the principal issues relevant to the operation and impact of licensed premises. The Key Factors address the concerns and aspirations of the Licensing Authority	None

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
				Under 'What We aim to Encourage' issues such as saturation levels, appropriate mix, and economic planning could be made more explicit.	Not relevant consideration for Licensing Policy.	None
				Little mention of health-related issues as consideration factors for licensing policy.	Health not a licensing objective	None
				Transport issues (impact of travel to/from venues/areas should be clearer).	Currently included in Location Key Factor. Consideration to further emphasis.	
				Issue of vicinity should be made stronger.	Vicinity addressed at 3.25	None
				Key Factors are wide-ranging but not always clear making them advisory rather than standards.	Noted although Standards cannot be mandatory	Wording of Standards reviewed to ensure clarity
				KF's are light on targeting and priorities - how are the standards enacted, what if they are not met, where are the problem areas?	Section 17 deals with monitoring and enforcement where the licensing objectives are being undermined	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Possibly an additional KF could be around function, i.e. is the system working well, is it improving the licensing picture in Manchester? This could cover:- a review and development of the licensing system - a clearer programme of training on licensing regulations and expectations for all (police, licensees etc)- greater use of existing data to give info/analyse areas of high density, problem premises etc- how the system is tackling the negatives, and how are you getting this across to/engaging local communities.</p>	<p>Not relevant for Licensing Not relevant consideration for Licensing Policy..</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Not entirely clear where the standards derive from (do they meet a national standard?), and what happens when “expectations” not met. Specifics:-            CD13 F+RS – does this belong better under public safety?-            CD16 “have reference to” codes of practice – what are they? Can they be made explicit?-            CD18 “spiking” is in the title, but not covered in the text-            CD19 ‘employ safer drinking vessels as appropriate’... This could be made more pro-active, especially for problem premises-            Public safety – seems to stop at the door...could be linked to immediate vicinity/SIA standards and practice for door management?-            Children – ‘possible measures include’ – this could be linked more explicitly to national guidance, age check schemes, good practice</p>	Reviewed Key Factors	Key Factors revised to address issues raised

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>The Statement could say how it has taken account of previous failures/gaps, to improve the Manchester licensing picture. It could also say more about Good Practice, either already adopted, in train, or being considered. The section covering Purple Flag and BBN could be a good place for that, and could cover eg impact, what next, expansion of the schemes, etc. Similarly, off-licence forums are “encouraged”, but more could be said about their coverage, impact, development...Risk is mentioned (section 17) but the “risk-based approach” could be explained more clearly, and how/whether it works.</p>	<p>Good practice is addressed through Standards Expected. Risk-based approach to enforcement addressed and covered in Enforcement Policies</p>	<p>Introduction revised to include explanation that policy is based upon lessons learned in Manchester and previous experience over last few years</p>
				<p>The overall impression is one of a “presumption to allow” re-licensing applications, but saturation levels are not explicit.</p>	<p>Each application will be considered on its merits. No 'explicit' levels are set to allow for a considered judgement</p>	<p>None</p>
<p><b>LAPR009</b></p>	<p>Steve Mycio</p>	<p>MCC</p>	<p>N/a</p>	<p>The policy needs a greater focus on the prevention of problems e.g. if we know that disorder and nuisance have been prevalent in areas where a critical mass of bars or a certain type of bar/entertainment has been reached, can we not use that preventatively to stop other areas showing signs of similar growth reaching the same situation?</p>	<p>Monitoring and enforcement will pick up any emerging issues. The reports to the Licensing Committee detailed in 3.39 will also help to identify potential problem areas.</p>	<p>None</p>



<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
				Otherwise we are left waiting to see if anything goes wrong and then reacting which can be too late in some situations.		
<b>LAPR010</b>	Longsight Cricket Club	Licensee (Members Club)	Longsight	The club is supportive of the new policy and the implementation of the key factors would be beneficial for other premises.	No comments	None
<b>LAPR011</b>	Helen Bunch	Resident	Oxford Road Corridor/Quadrangle	Policy is long making it more difficult to read and navigate Types of premises encouraged are agreed with in principle subject to: (1) the volume of live music being appropriately controlled; and (2) the licensing hours being appropriate, especially in residential areas.	The layout will be reviewed to make it more user-friendly. The volume of music and hours are covered in other Key Factors	Glossary and diagrams added

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Hours for Licensed Premises (KF2)(1) Paragraph 7.2 (“Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when later hours are applied for.”):CSMC believes that late licensing hours are not appropriate in residential areas, whatever control measures are taken. CSMC suggests that licensing hours should not normally extend beyond 11 pm or 12 midnight in residential areas, especially where the licensed premises form part of a residential development.(2) Paragraph 7.5 (“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 time economy, as set out in Section 8.”):CSMC suggests that terminal hours in residential areas of the city centre should be not be appreciably later than terminal hours in other residential areas. Experience has shown that late terminal hours in the city centre result in broken glass in the streets, drunkenness, vagrancy, groups of people congregating outside bars, noise and anti-social behaviour. If citycentrelicensed premises generally stay open into the early hours of the morning, city-centre residents will have a lower standard of amenity than other residents. It could</p>	<p>The policy does not set defined restrictions for hours. 7.5 does not exclude shorter hours within residential areas in the city centre.</p>	<p>None</p>

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>The Location of the Licensed Premises (KF3)</p> <p>Paragraph 8.1 lists key issues (numbered 1 - 5) in relation to the location of licensed premises. These include (key issue 2) “the proximity of the premises to local residents”. CSMC suggests the inclusion of an additional key issue, i.e. whether or not the premises form part of a residential development.</p> <p>Paragraph 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 [and] clean streets.”): CSMC agrees with this. However, present licensing policy does not always take these factors into account.</p> <p>Paragraph 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.”): CSMC agrees that the city centre has more facilities, such as public transport, than some suburban areas. However, experience has shown that these facilities are not always adequate to deal with the problems caused by late licensing (see the comment above on paragraph 7.5).</p>	<p>Proximity to Local Residents would automatically include consideration that the premises formed part of a residential block.</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Off Sales of Alcohol (KF5) Paragraph 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."): Is it possible for this to read: "Where any Interested Party or Responsible Authority..."?"</p>	<p>Policy puts onus on Responsible Authorities as they are relied upon to apply a professional opinion on the issues in the area.</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>The draft Policy should include reference to karaoke bars. There should be a presumption against the grant of a licence for regulated entertainment which includes karaoke where the premises concerned form part of a residential building.</p> <p>The draft Policy should include reference to outside areas which do not form part of the public highway. Licences for such areas should be granted only in restricted circumstances because of the potential for noise nuisance.</p> <p>Manchester City Council has granted planning permission for a large amount of residential property in the city centre. The Council therefore has a responsibility to ensure that city-centre residents enjoy a proper standard of residential amenity. This should include not allowing licensed premises to remain open into the early hours of the morning in areas of the city centre which are largely residential. This should apply particularly to licensed premises (including off-licences) which form part of a residential building.</p> <p>The amount of residential property in the city centre has increased substantially since the Licensing Act 2003 came into force. The Council's Licensing Policy for 2011 - 2014 should reflect this change.</p>	<p>It is not considered that there needs to be special consideration for karaoke from other regulated entertainment such as live or recorded music.</p> <p>The policy does take into account the proximity of residential accommodation.</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				There is widespread public concern about the ill-effects of alcohol, in terms of, for example, unruliness in the streets and alcohol-related disease. Licensing policy should reflect this.	Policy is designed to promote licensing objectives i.e. prevention of crime and disorder, public nuisance etc	None
				Certain types of licensed premises, for example off-licences with long opening hours, can attract beggars and vagrants. Licensing policy should address this point.	Include in policy	Reference included at KF4
				Licences granted typically have a string of conditions attached. However, there seems to be no provision for these conditions to be enforced unless a member of the public complains about a breach. This is unsatisfactory, and the Policy should provide for the Council to ensure that the conditions it imposes are actually followed.	Not possible to automatically attach conditions.	None
				There should be a presumption against the grant of a licence for adult entertainment in premises which form part of a residential building.	Not possible to have blanket presumption	None

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR012</b>	Claire McCann Public Health Manager NHS Manchester	NHS	N/a	Whilst the policy is fairly clearly laid out, by the very nature of the content it is not particularly easy to read or be easily understood. The points below were of particular note: Policy/Policy statement/statement of licensing policy (1.1, 1.2, 1.3, 1.4 etc) appear interchangeably throughout the document, for the sake of consistency and ease of reading it might be useful to use the same term throughout?	Include in policy	Policy content revised to ensure consistency

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>The Key Factors are not used consistently:  P10 KF1 'What we aim to Encourage' on P20 is referred to as 'What we aim to Promote' then on P22 goes back to 'Encourage'?</p> <p>P10 KF2 is Hours and KF3 Location, changes order on P20 and again on P23 and P24.</p> <p>P11 2.14 refers to an 'operating schedule' but it isn't made clear what an operating schedule is till P12.</p> <p>P11 2.16 refers to 'The policy' is it clear whether this is referring to the licensing policy or 'the policy' as in what happens normally?</p> <p>P11 2.17 'such steps' not clear what steps this is referring to?</p> <p>P11 2.18 Applicants are not obliged to include 'these'...include what?</p> <p>P13 3.14 Should the last bullet point also include repetitious the same as 3.18?</p> <p>P18 4.3 Place: what does 'where spending and being are in balance' actually mean? Plain English?</p> <p>P20 5.3 Would this be an appropriate point to use the term 'vertical drinking'? There is a description of what we would perceive vertical drinking to be on P24 8.2, but the term is not used?</p> <p>P21 5.9 Refers to the 'Expected Standards' are we right in thinking that the points under the 4 licensing objectives</p>	<p>Include in policy</p>	<p>Policy content revised to ensure consistency and clarity to address points raised.  Glossary added</p>



<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
				NHS Manchester strongly supports the notion of a diversity of attractions that cater for a wide range of age groups and uses, particularly less alcohol dominated venues	No comments	None
				P 20 5.1 lists a number of negative impacts if licensed premises are not managed responsibly. NHS Manchester would like to point out that no where in this list is the impact on health and well being?	Health not a licensing objective	None
				Manchester as part of this licensing policy consultation could choose to include health as a Key Factor. There would need to be discussion as to the most appropriate data to be used, however the inclusion of health as a key factor would enable a fuller consideration of the implications of a license and the review of existing licenses.	Health not a licensing objective	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>In June 2010 the National Institute for Health and Clinical excellence (NICE) produced guidance relating to alcohol, one of the recommendations related to Licensing and suggested that 'local crime and related trauma data ...used to map the extent of alcohol related problems before developing or reviewing a licensing policy. If an area is 'saturated' with licensed premises and the evidence suggests that additional premises may affect the licensing objectives, adopt a 'cumulative impact' policy. If necessary, limit the number of new licensed premises in a given area'. This national guidance would support the proposal made by NHS Manchester to include Health as a key factor, as addressed above in questions 5/6Other recommendations are also made as part of this NICE guidance, including:-</p> <ul style="list-style-type: none"> <li>- Targeting under age sales</li> <li>- Test purchasing</li> <li>- Sanctions for those businesses who break the law</li> <li>- Taking action against premises which regularly sell to people who are under age, intoxicated or making illegal purchases for others</li> </ul>	<p>Health related data may be appropriate in area reviews where licensing objectives are being considered to be undermined by volume of licensed premises</p>	<p>None</p>

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				NHS Manchester would also like to raise the distribution of free alcohol. There have been a number of promotions where alcohol has been given away free as part of a promotion: Smirnoff giving away pre mixed cans of vodka on Piccadilly station? Our understanding is that no form of licensing is required to give away free alcohol samples so whilst licensing covers alcohol sales it does not cover supply, which must be a gap? How could work take place with partners, particularly Network Rail, to address this gap?	As this activity is not licensable, it cannot be controlled under the policy. MCC will look to work closely with organisations involved in distribution of free alcohol	None
				P12 1.12 and P25 8.9: Should this be 'existing' supporting Local and Ward plans... rather than existent? Same for and any 'existing' supporting Local and Ward plans...	Include in policy	Grammar revised
				P17 3.36: Should 'constituting' by replaced with consisting?	Include in policy	Grammar revised
				P18 4.3: Movement: transport rather than 'transports', having regard rather than having 'regarding'?	Include in policy	Grammar revised
<b>LAPR013</b>	Councillor Pat Karney on behalf of Moston, Harpurhey and Charlestown Councillors	Councillors	Moston Lane Moston Harpurhey Charlestown	Would like to see a cumulative impact policy introduced on Moston Lane.-has a reputation for enabling young people to obtain alcohol easily because of the high number of licensed premises - believe the high number of premises is unique with the Manchester boundary.- young people are causing anti-social	To be addressed in Moston Lane area review	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				behaviour and intimidating local residents.		
<b>LAPR014</b>	John Dougan, Northern Quarter Community Group	Resident	Northern Quarter	The policy demotes the rights of citizens living in the city, having taxis available late at night is insufficient protection from public nuisance created from licensed premises.	The availability of taxis is one element in the considerations of the city centre's infrastructure to manage a night time economy. Availability of transport is covered under Location Key Factor	None
				KF1: Generally agree, though there have been incidences where 'venues open as one type of premises and slowly turn into the type we do not want'. Essential that more generous conditions are not bestowed on applications that initially 'promised to be something that matched your list or they should risk having their licence hours cut back'.	Where nature of premises changes, there are review provisions where the licensing objectives are being undermined.	None
				Without any real monitoring that is open, inclusive and transparent how can anyone claim these will be enough to arrest the problems with concentrated alcohol sales in NQ'. Difficult to see how any real difference can be made when once revellers are more than 100m away from a premises, any disturbance they create will have no impact on the venue that contributed to the problem. Residents should have an important role on the Policy Review Forum.	Monitoring and enforcement will pick up any emerging issues. The reports to the Licensing Committee detailed in 3.39 will also help to identify potential problem areas.	

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR015</b>	David and Sue Hare	Resident	Fallowfield	<p>The quality of life in Fallowfield has deteriorated in recent years due to the extension of licensing hours and the huge student population.</p> <p>-essential that a cumulative impact policy is introduced; licences are granted with no regard to the number of other drinking establishments in the same area. This has resulted in increased levels of anti-social behaviour, crime and disorder and loss of sleep.</p> <p>-a DPPO Alcohol Control Zone has been established and the same evidence could be used to support a cumulative impact policy.</p> <p>-alcohol consumption on the street is a problem, as can be seen by the number of discarded cans and bottles.</p> <p>-welcome efforts to discourage drinks promotions and would support a ban on these during freshers week.</p>	To be addressed in Fallowfield and Withington Area Review	None
<b>LAPR016</b>	Mr R Johnson	Resident	Fallowfield	<p>Level of anti-social behaviour at night is out of control, the Council should take a more proactive role in dealing with the problems.</p>	Section 17 deals with monitoring and enforcement where the licensing objectives are being undermined	None
<b>LAPR017</b>	South-East Fallowfield Residents Group	Residents Assoc	Fallowfield	<p>Welcome opportunity to comment on Policy. Believes 'the evidence for a cumulative impact policy in Fallowfield is very strong'.</p>	To be addressed in Fallowfield and Withington Area Review	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				P1.17: Evidence used to argue for an extension of the control zone on Wilmslow Road, will be used to argue that Fallowfield Centre requires a special cumulative impact policy.	Conduct area review of Fallowfield and Withington for evidence of need for CIP	None
				P3.31 to 3.34: Need more clarity about how such a 'special policy' is going to be developed and what might the policy look like?	Will be clarified in area CIP review	None
				P7.5: Strongly support this statement	Noted	None
				P8: Applicants need to be mindful of the residential street their customers are likely to use when walking home. Need for regular dialogue with local residents is essential	Dialogue with local residents promoted in Policy	None
				P9: Hope they will be enforceable. CD12 of particular interest, staff need to recognise the early signs of public drunkenness. Section on Public Nuisance is good and has our support. Suggests erecting signs at the start of a number of key 'walk home' streets to remind people it is a residential area. Suggests a levy on licensed premises to pay for this.	Not currently possible to introduce a levy. Public signage an issue that can be raised with local CSC	None

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
				P10: Thinks this should apply also to public houses who are licensed for on and off sales.	Experience has shown that there are issues particularly relevant to premises that are exclusively licensed for the off sale of alcohol, e.g. proxy sales, attracting underage persons, that would not be comparable with on-licensed premises	None
				Appendix 3: Suggests a leaflet could be distributed to inform local residents of licence applications as the blue notice/newspaper advert do not reach everybody.	Able to subscribe to email notification. Website also has register of applications.	None
<b>LAPR018</b>	Ms Kay Fletcher	Residents Assoc	Fallowfield	Steady increase in the amount of antisocial behaviour in residential areas in the early hours of the morning, 'definite need for a Cumulative Impact Policy in Fallowfield'	To be addressed in Fallowfield and Withington Area Review	None
<b>LAPR019</b>	Colin Talbot	Resident	n/a	No licences should be granted to off licences or supermarkets'.	Not possible to prevent this as law allows them to hold licences	None
<b>LAPR020</b>	Patricia Cammack	Resident	Fallowfield	Urge MCC to implement a cumulative impact policy when deciding on licensing hours for fallowfield.	To be addressed in Fallowfield and Withington Area Review	None
<b>LAPR021</b>	MCC Trading Standards (Janet Shaw)	MCC	n/a	Generally good; given the limits of the four licensing objectives the key factors cover all potential issues and the standards in Section 9 are appropriate.	No comments	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				Appendix 3: Could be in plainer English given that it is aimed at members of the public.	Include in policy	Appendix 3 revised. Glossary and diagrams added to policy.
				Would like to see ' a recognition of the wider health impacts caused by sale of alcohol particularly in relation to the harm that is caused to children'.	Health not a licensing objective	None
				KF4 (CH): Suggests a paragraph regarding the provision of tobacco vending machines on the premises - similar to CH2.	Include in policy	Added in CH2
				3.34: Makes no reference to the enforcement of under age sales legislation by Trading Standards	Include in policy	Added in Section 17
<b>LAPR022</b>	MSCB (Khadija Sheppard)	MCC	n/a	KF4 (CH): 'Focus should not just be on the protection of children from harm but it should also include the promotion of positive outcomes for children as outlined in the Children 2004 Act'.	Not relevant consideration for Licensing Policy	None
<b>LAPR023</b>	Ray & Catherine Hall	Resident	Fallowfield	Has kept a log for the past twelve months on each time they have been disturbed due to antisocial behaviour late at night. Would like a cumulative impact policy introduced in residential areas such as Fallowfield or Withington.	To be addressed in Fallowfield and Withington Area Review	None
<b>LAPR024</b>	Paul Brice (The Monastery)	Licensee	Gorton North	Suggests that larger venues appoint two DPS'	Not possible to apply this - law only allows one personal licence. Can encourage multiple personal licence holders - include in policy	Added in CD15



<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR025</b>	Councillor Andrew Fender on behalf of Old Moat Ward Councillors	Councillors	Fallowfield Withington	Only way to alleviate problems in Fallowfield & Withington, in relation to anti-social behaviour, is to introduce a cumulative impact policy. In the absence of a cumulative impact policy the City Council cannot prevent further applications for trading hours similar to those that have already been granted.	Conduct area review of Fallowfield and Withington for evidence of need for CIP	None
<b>LAPR026</b>	Councillor Mike Amesbury on behalf of Fallowfield Ward	Councillors	Fallowfield	The de facto liberalisation of licensing in the Fallowfield & Withington District Centre has enhanced crime and disorder while exasperating student ghettoisation into poorly managed private rented stock'.	To be addressed in Fallowfield and Withington Area Review	None
				We have witnessed Manchurian flight from former residential areas due to the problems associated with the extended and overbearing night time economy'.	Conduct area review of Fallowfield and Withington for evidence of need for CIP	None
				Future licensing decisions should encourage a mixed, balanced and safe economy for all residents.	Key Factors will address this	None
<b>LAPR027</b>	Sherwood Tenant & Resident Association (Alis McCabe)	Residents Assoc	Fallowfield	Disturbed on an almost daily basis from people leaving nearby licensed premises in the early hours. Increasing problems with litter, broken glass, vandalism to cars etc	To be addressed in Fallowfield and Withington Area Review	None
<b>LAPR028</b>	Withington Civic Society	Residents Assoc	Withington	P1.1: Suggests additional objective 'promote successful communities'.	Licensing objectives set out in Act	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				P1.12: Residents cannot always be at hearings to oppose applications to protect their communities - MCC and relevant agencies have a duty to do this on the residents behalf.	Residents can elect representatives and approach Responsible Authorities to represent concerns	None
				Essential that the Licensing Policy integrates with the Core Strategy (LDF) and District Centre plans. Suggests a moratorium or upper limit placed upon the number of A3 and A4 premises in Withington	Conduct area review of Fallowfield and Withington for evidence of need for CIP	
				P1.17: Planning should be mentioned as a partner agency.	Include in policy	Planning included
				P2.2: Should not justify allowing concentrations of late night drinking establishments because, for example, there are high numbers of students in the area. 'Quality of life considerations should outweigh the interests of licensed premises	Key Factors will address this to ensure licensing objectives are promoted	None
				P3.9: Does not agree that licences are automatically granted when there are no reps.	This is mandatory under LA2003	None
				P3.15: Difficult to evidence some of the ASB consequences of licensed premises. Further advice needed on how an evidence base may be collated e.g. street cleaning costs.	Appendix 3 provides details on what kinds of evidence residents can consider submitting	None
				P3.27: Suggests integrating with planning policy.	Integration will be done where possible	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				P3.31: Encourage the adoption of a cumulative policy if the 'Fallowfield experience' is to be avoided. Wider community impacts must be considered e.g. flight of long term residents. 'Planning policy sees the maintenance of sustainability communities as one of its over-arching goals - licensing policy should take on similar role'.	To be addressed in Fallowfield and Withington Area Review	None
				Suggests similar scheme to Purple Flag in residential areas.	Propose expansion of Purple Flag area in Manchester in future accreditation	None
				P8.4: The rights of residents should be protected at all cost	Inappropriate to totally weigh in favour of one side over the other. However, policy is designed to protect residents	None
				P8.8: Another aspect should be 'nocturnal noise nuisance'.	8.8 refers to results of survey. Nocturnal noise nuisance addressed in KF	None
				P9.3: Licensing Authority should be proactive in setting conditions.	Policy sets out what the relevant considerations that could need to be addressed through conditions.	None
				P12: Licensees regularly ignore their permitted hours for outside drinking.	Enforcement to address	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				P17: Consultees should be wider number of people.	Consultees set out in report to Policy Committee. Wider range than just required by Act.	None
LAPR029	Brigitte Jones	Tree Warden	Fallowfield	Damage to trees, in the early hours of the morning and at weekends is considerable. Such criminal behaviour is a direct consequence of alcohol consumption.	Will have regard to this in area review	None
LAPR030	Kuits	Solicitor	N/a	Policy is a reaction to complaints received from a minority of residents seeking to influence decisions which will affect the majority. The continued success of Manchester should not be prejudiced by a policy which could block investment, employment and redevelopment of unused premises.	Policy is developed from lessons learned over the past few years and designed to promote licensing objectives i.e. prevention of crime and disorder, public nuisance etc	None
				Points to success of previously 'no go' areas such as Canal Street and the Northern Quarter.	No comments	None
				Expresses concern at Key Factors and Expected Standards - sets additional hurdles and creates a new layer of bureaucracy.	Considered necessary to ensure licensed premises promote licensing objectives	None
				Clear which direction the Licensing Authority intend to take - more compliance, more regulation and more expense for applicants and more support for objectors.	Policy is now directive rather than passive.	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>KF1: Trying to dictate the market in Manchester - could be used to prevent licences for certain types of premises instead of looking at each individual application. Concern that applications will be refused as they do not fit into one of the six types of premises given. If the Licensing Authority is insinuating that there are sufficient nightclubs and no more are needed in the city then this will create a 'city wide quasi Cumulative Impact Policy'. P6.3: Responsible Authorities therefore should not make representations without good reason.</p>	<p>KF1 does not set out the only types of premises that will be licensed and all applications will be considered on merit. This is clear throughout policy.KF1 looks to promote a more varied range of licensed premises</p>	None
				<p>KF4: Keen to ensure parity between applicant and objectors. If the applicant constructs a relevant and detailed operating schedule then those making representations should be expected to do the same. Would like the Licensing Authority to take a strong line when dealing with representations that are general in nature and have little regard to the particular application in question. P9.6: Concerned this may lead to a blanket approach. Unclear why these standards are needed in addition to the four licensing objectives.</p>	<p>Policy will apply equally to applicants and objectors. Where representations inconsistent with policy, they will hold less weight. Policy is overarching approach. Policy sets out what Manchester expects to be consider in detail with regard to the promotion of the licensing objectives</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				Does not think there is any evidential basis to support introducing a Cumulative Impact Policy.	Reviews of individual areas will collect any evidence in respect of any CIP	None
				<p>KF5: Creates and authority-wide presumption against the grant of any new off licences.</p> <p>Does not think the 'serious concerns' factor in rejecting applications is a particularly robust test.</p> <p>Unclear if this extends to supermarkets.</p> <p>Could prevent independent operators from obtaining a licence</p>	KF5 relevant to all off licensed premises. It is not considered that KF5 creates a presumption against grants of new off-licences	None
				Appendix 3: Mentioned only briefly that representations can be made in support of an application - request that this section is moved to the beginning of that section.	Include in policy	Moved to start of Appendix 3 and clarified in Glossary
				The policy is weighted in favour of the objector, wrong to presume local residents need extra guidance on objecting to applications.	Majority of local residents not expected to have specialist licensing knowledge whereas applicants and licensees are expected to have more extensive relevant knowledge. It is considered appropriate to include all useful information for all parties.	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				Believes the Key Factors cut across planning considerations and there is unnecessary duplication	Key Factors address issues relevant to promotion of licensing objectives. There will be undoubtedly some overlap as issues will be relevant under licensing and planning considerations. Key Factors ensure that all relevant issues to licensing process will be taken into account.	None
<b>LAPR031</b>	Drug and Alcohol Strategy Team (Submitted on behalf of the Drug and Alcohol Action Partnership Board [DAAT Board])	MCC	n/a	Should include a section how Licensing Policy will contribute to achieving wider corporate and partnership aspirations in respect of : Reducing health inequalities Promoting the health and well being of the local population Reaching full potential in education, skills and employment Individual and mutual self esteem and mutual respect Supportive positive parenting and improving outcomes for children Developing and sustaining neighbourhoods of choice	Include in policy	Incorporate in Section 1
				Licensing policy should include reference to changes in national policy, guidance and legislation	Not possible to pre-empt unconfirmed changes	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Establish a more sophisticated impact assessment process prior to implementation of the policy. Recommend that local profiles are developed that will provide context for considering applications</p>	<p>Not a policy issue but will consider further</p>	<p>None</p>
				<p>P1.1-1.4: The terms 'Licensing Statement', 'Statement of Licensing Policy' and 'Policy Statement' are used interchangeably - more consistent and easier to read if same tem is used.</p>	<p>Include in policy</p>	<p>Policy content revised to ensure consistency</p>



MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>The Key Factors are not used consistently:  P10 KF1 'What we aim to Encourage' on P20 is referred to as 'What we aim to Promote' then on P22 goes back to 'Encourage'?</p> <p>P10 KF2 is Hours and KF3 Location, changes order on P20 and again on P23 and P24.</p> <p>P11 2.14 refers to an 'operating schedule' but it isn't made clear what an operating schedule is till P12.</p> <p>P11 2.16 refers to 'The policy' is it clear whether this is referring to the licensing policy or 'the policy' as in what happens normally?</p> <p>P11 2.17 'such steps' not clear what steps this is referring to?</p> <p>P11 2.18 Applicants are not obliged to include 'these'...include what?</p> <p>P13 3.14 Should the last bullet point also include repetitious the same as 3.18?</p> <p>P18 4.3 Place: what does 'where spending and being are in balance' actually mean? Plain English?</p> <p>P20 5.3 Would this be an appropriate point to use the term 'vertical drinking'?</p> <p>There is a description of what we would perceive vertical drinking to be on P24 8.2, but the term is not used?</p> <p>P21 5.9 Is this referring to KF4 Standards to Promote the Licensing Objectives? Could P5.9 include a bulleted list to clarify what the terms 'Expected Standards/Standards Expected' refer to?</p> <p>P28 CD4 SIA used without being used in full previously.</p> <p>P29 CD10 Language for drinking</p>	<p>Include in policy</p>	<p>Policy content revised to ensure consistency and clarity to address points raised.  Glossary added</p>

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				Not clear who the sections and statements are aimed at. If the audience is intended to be widespread it may be helpful to have a breakdown by ward/area of numbers and types of premises; leaving it to individuals to trace through the licensing database is not very helpful.	Areas constantly change and so would be impracticable to include figures and policy would immediately be out of date. Specific areas will be considered in Area Reviews	None
				Consequences are unclear e.g. 'should' or 'recommend' actions. Application & objection process very wordy, could be made simpler using a diagram/flow chart detailing the basics?	Include in policy	Diagrams added
				Support for encouraging a diverse range of premises. Suggests that given the rising impact of alcohol in Manchester, Section 6 should reiterate the statements in P5.3 & P8.2 about what will not be encouraged.	5.3 and 8.2 not relevant for Section 6	None
				KF1: issues such as saturation levels, appropriate mix and economic development planning could be made more explicit. Transport - isn't clear how the impact to/from venues/area is considered. The KFs are light on targeting and priorities, an additional KF could be around function i.e. is the system working well, is it improving the licensing picture in Manchester.	Not relevant for Licensing policy. Transport issues covered in Location Key Factor	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>KF4: Standards not always clear, use of term 'should' makes them seem advisory not standards. Also unclear where standards derive from and what happens if expectations are not met: CD13 does this belong better under public safety?            CD16 what are 'codes of practice' and can they be made explicit?            CD18 'spiking' is in the title but not covered in the text?            Public Safety - could be linked to immediate vicinity/SIA standards.            Children - could be linked more explicitly to national guidance, age check schemes and good practice.</p>	Reviewed Key Factors	Key Factors revised to address issues raised
				<p>More could be said about good practice e.g. Purple Flag, BBN and off licence forums.            How does it link to and take account of AGMA/GMAC and wider thinking?            Links to HMRC/SOCA?</p>	<p>Key Factors designed to reflect good practice.            Licensing Policy must be specific to issues in Manchester            Crime issues expected to be addressed by GMP in first instance</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>There is anecdotal evidence of off-licenses that are located near to schemes that house heavy drinkers stocking high levels of white cider and opening during hours that would accommodate heavy drinkers e.g. 0730. There are an estimated 13,000 dependent drinkers in Manchester, the impact of alcohol misuse on the health of residents is an issue that should be raised.</p> <p>How are policies to protect vulnerable adults referenced and encouraged through the Licensing Policy?</p>	<p>Key Factor 5 addresses off-licences and their location in potentially problematic areas</p>	<p>None</p>
				<p>Suggests a more robust recommendations to premises in terms of safeguarding policies where children are permitted on the premises.CH9: Licensees should contact the police if they are worried about immediate danger to a child.Greater consideration should be given to events where both under 18s and over 18s can attend an event where alcohol is sold.</p>	<p>Include in policy</p>	<p>CH1 now includes provisions for child events on licensed premises</p>
				<p>Greater regulation needed where alcohol is given away as part of a promotion, the DAAT board would welcome the opportunity to discuss with partners how these issues could be addressed.</p>	<p>Not a licensable activity and so falls outside of policy remit</p>	<p>None</p>

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>P8.9: 'Existent supporting Local and Ward Plans' should this be 'existing'?</p> <p>P3.36: 'Constituted of 15 Council Members' should this be 'consisting'?</p> <p>P4.3: Movement - transport rather than 'transports', having regard rather than having 'regarding'.</p> <p>CD18: The opening sentence states that applicants would 'normally be expected' - suggests this is strengthened to 'must'.</p> <p>Would be useful to outline what other steps premises can take to ensure that they have and implement 'zero tolerance'.</p>	Include in policy	Grammar revised
<b>LAPR032</b>	Federation of Lightbowne and Moston Associations (Robert Hill)	Residents Assoc	Moston	<p>The policy is designed for the city centre and therefore 'does not fulfil the wishes and needs of residents of an area who have to live within the limits of its jurisdiction'.</p>	Policy reflects differences between city centre and neighbourhoods. Key Factors are flexible to address all relevant needs to any particular area	None
				<p>Residents should have a greater say in the granting of licenses for the supply of alcohol and be able to bring their matters and concerns directly to the Licensing Committee. Where serious breaches of licenses take place it should be much easier to permanently revoke the licence.</p>	Role of residents as interested parties set out by law	None
<b>LAPR033</b>	Rodney Barham	Resident	Chorlton	<p>Has found, from experience, enforcement to be ineffective - it is time consuming and often different departments do not want to take</p>	Public Protection Single Point of Contact for enforcement. Details to be provided to respondent.	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				responsibility for them. Suggests a single department be set up to deal with enforcement.		
LAPR034	Environmenta l Health (Angela Whitehead)	MCC	n/a	Suggests a glossary of terms to aide members of the public who may not be used to the terminology. Welcome the inclusion of Appendix 3 but it could be written in plainer English to make it more accessible to a wider audience.	Include in policy	Glossary and diagrams added
				Clearer than the last policy, will be easier to demonstrate where an application is not consistent with the councils licensing policy.	Noted	None
				KF4: Important to recognise that this list is not exhaustive and that responsible authorities can ask applicants to include other measures.	Include in policy	Included in KF4
				Would like to see reflected within in the policy recognition of the harm that alcohol can cause to the health of individuals and society at large and the impact different types of premises can have on contributing to excessive alcohol consumption and links to harm caused by children through excessive alcohol consumption by parents/carers, where alcohol is deemed contributory factory.	Health not a licensing objective.	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
LAPR035	South Manchester Regeneration Team (Hannah Scriven)	MCC	N/a	Safety and security were the top priorities for respondents to the Fallowfield and Withington public consultation - only 53% felt safe in the evening in Northenden Village centre, largely due to youth congregation around bars and takeaways.	Noted	None
				KF1: Contains welcome points and reinforces what is said in the District Centre Plans regarding a wider choice of licensed premises for all residents. KF2: Would question the assumption that greater controls within licensed premises would reduce associated noise and ASB - once patrons leave a premises they can go on to create disturbance in the local area. KF3: P8.4 - suggest adding a point relating to the wider problems associated with late night opening hours which are not limited to the immediate vicinity of the premises.	Noted 8.4 - Added	8.4 amended to include reference to persons arriving and leaving the premises
				Would welcome a mention regarding late night takeaways as their impact can be similar to that felt by bars.	Include in policy	Clarification the licensed premises include late night takeaways
				P8.9: Suggests that the reference to Strategic Regeneration Framework and Local Plans is moved to section 1 alongside the key strategies.	Include in policy	Integration with SRF and Local Plans included in Section 1

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR036</b>	New East Manchester Ltd (Ian Slater)	MCC	n/a	Appendix 3: It would be difficult to make a representation, within the remits of the licensing objectives, against an application where it conflicts with out aspiration for the neighbourhood - would be happy to draft appropriate text to support the place making agenda. Helpful if some specific standards were included around creating neighbourhoods of choice.	Policy supports ensuring aspirations for an area can be supported. Appendix 3 reviewed to ensure this is clear	Appendix 3 revised. Glossary and diagrams added to policy.
				KF3: Suggests an additional key issue in order to require applicants to consider not just the current general character of the surrounding area, but also the Councils realistic strategic aspirations for the surrounding area as set out in P8.1.	Not relevant consideration for Licensing Policy	None
				Suggests an Executive Summary should have been available and a document that detailed the differences between the draft licensing policy and the existing licensing policy.	Noted	None
<b>LAPR037</b>	Planning (Julie Roscoe)	MCC	n/a	The section on integrating with other Council Policy makes no reference to the UDP saved policies, the Guide to Development in Manchester or the emerging core strategy which seems to be a major omission.	Include in policy	Included in Section 1



<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
				No explanation as to why it is permissible to present the licensing position to Planning and Highways but not vice versa	Representations must be 'relevant' - set out in Act and Policy what this constitutes. Not a policy issue	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Specific comments:</p> <ul style="list-style-type: none"> <li>-no definition of 'vertical drinking'.</li> <li>-'family friendly values'; what are they, which areas would these be acceptable and how does this fare against the objective of protecting children.</li> <li>-unclear when the 'proximity of licensed premises to local residents' would be an issue.</li> <li>-how would 'desirable destinations, diversity of entertainment etc' be achieved?</li> <li>-no mention of a daytime economy.</li> <li>-no reference to planning when talking about working in conjunction with partner agencies.</li> <li>-is it the law, or the Licensing Authorities view that an application is automatically granted in no representations are received.</li> <li>-'the policy states that need or commercial demand cannot be taken into account by the Licensing authority- this is a matter for the Planning Committee-this is not so'.</li> </ul>	<p>Glossary added to clarify terms in policy</p> <p>Law requires application to be granted if no rep.</p> <p>Proximity to local residents will be considered in relation to the points already in 7.1.1 and each case considered on its merits</p> <p>Lessons learned over past 3 years have shown that the reception of the daytime economy is inclusive anyway, however, the night time economy is different</p> <p>Desirable destinations will be achieved through the encouragement of well-run premises in Policy has a presumption for premises that extend diversity of entertainment</p> <p>Planning included in references to partner agencies</p> <p>Need as an issue for planning consistent with s182. Ensure same wording used. Reference to commercial demand removed</p>	

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR038</b>	Councillor s Marc Ramsbottom & Elaine Boyes	Councillors	City Centre	Understandable that there will always be tensions between a vibrant night time economy and residents living in those areas but believe that it is the role of councillors and other agencies to try and manage these tensions effectively but think sometimes that the balance is skewed against residents.	Noted	None
				The current system of making representations can be burdensome and time consuming for residents -it is also inconvenient that hearings are held during the day time when many residents are unable to attend due to work commitments. -residents can be waited for considerable amounts of time for their case to be heard and 'there has been a lack of courtesy for residents who have waited - dissuades them from submitting representations in the future even when they have genuine concerns or complaints'.	Noted. Residents must make representations or application would be automatically granted.	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>The Northern Quarter and Canal Street/The Village regularly feature as crime hot spots, suggests there is evidential justification of the need for cumulative impact policy in those areas - would require applicants to consider more greatly the merits of their application and the possible impact on the local area.</p> <p>-areas of the city centre that have few licensed premises and may benefit from an appropriate development of licensed premises.</p>	<p>To be addressed in area reviews of Northern Quarter and Village</p>	<p>None</p>
<b>LAPR039</b>	<p>Councillor June Hitchen &amp; Councillor John Flanagan</p>	<p>Councillors</p>	<p>Miles Platting &amp; Newton Heath</p>	<p>Would like a Special Consideration Policy to be introduced on Briscoe Lane and Scotland Hall Road in Newton Heath to restrict premises operating as off-licences.</p> <p>-'local residents feel intimidated by the sheer volume of young people who congregate outside the various premises to obtain alcohol that they no longer feel safe to do essential shopping as they are constantly harassed or intimidated to purchase alcohol'.</p> <p>-'in all community surveys undertaken by Manchester City Council alcohol and anti-social behaviour and youth nuisance have come out on top of residents main concerns for their area'.</p>	<p>To be addressed in area review of Newton Heath</p>	<p>None</p>

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Would like a Special Consideration Policy to be introduced for the Collyhurst South Area to restrict premises operating as off-licences. -the Collyhurst South area suffers from problems relating to crime and disorder and anti-social behaviour that are exacerbated by the high number of licensed premises in the area</p>	<p>To be addressed in area review of Collyhurst South</p>	<p>None</p>
<b>LAPR040</b>	<p>Helen &amp; Peter Aczel</p>	<p>Resident</p>	<p>Fallowfield</p>	<p>Huge expansion of licensed premises in a concentrated area of Fallowfield; premises have sought, and been granted, permission to build extensions to increase drinking capacity and to serve alcohol into the early hours. -noise, disturbance and drunken vandalism blight the surrounding residential areas until 0400 as patrons make their way home</p>	<p>To be addressed in Fallowfield and Withington Area Review</p>	<p>None</p>
				<p>The current licensing policy has not delivered its promise to ensure that licensed premises meet the needs of their communities. The emphasis on licensing and regulating individual premises makes no provision for the impact of such a concentration of licensed premises as now exists in Fallowfield.-an insistence at licensing committee hearings that complaints are linked to behaviour on individual premises has invalidated residents evidence of drunken disturbance and vandalism.</p>	<p>noted</p>	<p>None</p>

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>P1.17: No mention of universities or other high education establishments, considering some bars are student only we think this is an error.</p> <p>P3.26: Believe that Licensing law is the primary mechanism for the general control of anti-social behaviour by individuals once they are away from a licensed premises. Direct correlation between opening hours and the levels of disturbance; premises close earlier on a Sunday, very rarely disturbed in the early hours of Monday morning.</p> <p>P3.27-30: Essential that Licensing and Planning work together, suggest that planning are included as a partner agency. 'Incremental transformation of Fallowfield's mixed retail economy seems to have happened by default. Joint advance consideration by Licensing and Planning of such changes could have forestalled many of the current problems'.</p> <p>P3.31: Suggests a special policy be introduced for Fallowfield that 'takes into account the destructive cumulative impact of its bars and clubs on the neighbourhood as a whole and validate evidence of that impact.'</p>	<p>1.17. Universities have been involved in work to address issues with students/NTE. List was not exhaustive</p> <p>3.26 There is a relationship but licensing law cannot be used to control individuals behaviour.</p> <p>3.27 Ongoing work to ensure integration with licensing and planning</p> <p>3.31 To be addressed in Fallowfield and Withington Area Review</p>	

<b>MCC Ref</b>	<b>Name</b>	<b>Category</b>	<b>Area/Ward</b>	<b>Summary of Response</b>	<b>Officer Comments</b>	<b>Suggested Amendment</b>
<b>LAPR041</b>	Northern Quarter Community Group	Residents Assoc	City Centre	Current legislation favours the licence applicant, not the local resident. The balance between the night-time economy and the residents need to be restored. NQCM have proposed that the key issues can be categorised into nine areas:	Noted	None
				<p>Consultation with the local community:                      -there have been various examples of poor behaviour from licence applicants, be it not delivering the business concept that was promised, the use of 'salami tactics', attempting to discredit residents group or appealing to the magistrates.                      -we propose all applicants should; openly engage with local residents, provide an open assessment of the business including long term plans/expectations, listen to local residents and tailor applications accordingly and engage with local councillors.</p>	Include in policy	PN3 promotes this

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Information available throughout the application:                      -not easy for residents to obtain information such as; the proposed operating schedule, conditions already agreed, decisions taken at various stages of the process etc                      -we propose the availability and accessibility of all information should be improved and should include; the operating schedule, risk assessments, conditions already agreed, Licensing Unit decisions/justifications, minutes from MCC hearings, correspondence to/from the Magistrates. The licensing register should be publicly available and a service should be available to alert residents to licence applications in a given ward.                      -concede this is not a minor undertaking but believe the available information should at least be on a par with planning applications.</p>	<p>Not relevant consideration for Licensing Policy but will ensure information more easily available online and on request</p>	<p>None</p>



MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Clarity, consistency and integrity of the applications:</p> <ul style="list-style-type: none"> <li>-risk of applications submitted on one basis but change in terms of operation is not sufficiently prevented by existing process.</li> <li>-propose that the application process should; seek to expose all relevant information about future plans, inconsistencies with planning applications. Penalties should be imposed for applicants failing to disclose pertinent facts egg the withdrawal of the facts.</li> <li>-accept this may require lobbying the Government for changes to secondary legislation under Section 17 of the Act.</li> </ul>	<p>Cannot require applicants to declare this and information may not be available at time of application.</p>	None
				<p>Privacy of sensitive information:</p> <ul style="list-style-type: none"> <li>-accept that some information has to be submitted by residents but do not accept it has to be passed onto third parties; can be unnerving and intimidating to receive correspondence from solicitors.</li> <li>-propose that unless the residents gives consent for future contact then the sensitive information should not be passed on. Identifying the area/street should sufficiently justify their status as interested parties.</li> </ul>	<p>Residents can elect representatives and approach Responsible Authorities to represent concerns. This to be emphasised in Appendix 3</p>	Clarified in Appendix 3

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Greater access to Licensing Committee hearings:-not acceptable that hearings are held during weekdays to the disadvantage to residents.-propose that hearings are held on a weekend and each application is given a set time slot to minimise the waiting time.</p>	<p>All council meetings held during weekdays</p>	<p>None</p>
				<p>General control measure for individual licences: -the current policy does not seek to impose general conditions this needs to be re-considered. -propose that some general conditions should be imposed, such as; discourage off sales of alcohol and avoid restaurants changing their focus from food to alcohol.</p>	<p>Cannot by law impose general conditions. Standards Expected sets out what we consider as relevant issues that may need addressing through conditions</p>	<p>None</p>

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Cumulative Impact - measurement and response:</p> <ul style="list-style-type: none"> <li>-generous licencing hours are having a negative impact on the social well being of the community. Applicants are citing hours available to other venues to justify their own applications and its having a domino effect.</li> <li>-propose that boundaries are set for what is considered reasonable licensing hours and a limite should be set on late/24 hour licences.</li> <li>-recorded historical data is needed to establish trends. The current policy only notes cumultaive impact where there is a high cincentration of licensed premises, this fails to acknowledge the transient nature of public disorder and nuisance.</li> <li>-propose that statistics regarding the number of venues/opening hours are traced back to when the legislation came into force. Evidence should be gathered from emergency services that deal first hand with the effects of alcohol. This should all be made available to interested parties.</li> <li>-suggests that a cumulative impact policy is imposed on a temporary basis until a permanent framework is agreed.</li> </ul>	<p>To be address in Northern Quarter area review Not possible to put in temporary block of further licences. Evidence relevant to CIP as set out in policy will be collated as considered necessary by Licensing Authority</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>Promoting alternative options to traditional alcohol sales:                      -accept that MCC are not in a position to make one business model more attractive than another, but more needs to be done to counter developers relying on the traditions 'bar' model.                      -limitations or targets should be established to ensure a greater mixture and balance, particularly to promote diverse opening times. Specialist independent advice may need to be sought to help promote business concepts that evidentially reduce cumulative impact.                      -propose that in order to promote diversity, possible alternatives should be available. 'The consultation exercise needs to link in with planning policies to discourage or encourage certain types of developments which lead to diverse choice'.                      -business should be able to access useful information on what residents want, enabling them to identify new business opportunities for the area.</p>	<p>Cannot dictate to applicants what they can and cannot apply for.                      Issue of 'demand' cannot be taken into consideration under licensing (s182 Guidance)</p>	None

MCC Ref	Name	Category	Area/Ward	Summary of Response	Officer Comments	Suggested Amendment
				<p>The Licensing Policy Review -commitment from MCC in the current policy is to 'establish three licensing forums' to our knowledge this has never happened. -propose that the Licensing Policy Review Forum is set up without further delay. -the list of invited representatives should include health officials, GMPTE and relevant support from central government.</p>	<p>Licensing Forums were proposed but not implemented due to extensive existing facilities including Ward Co-ordination and Neighbourhood Partnerships. Data analysis relevant to impact of licensed premises to be established and presented to Licensing Committee on annual basis for consideration and future policy review</p>	None

# **Manchester Statement of Licensing Policy 2011 - 2014**

# Contents

- Foreword by Leader ..... 4
- 1 Introduction..... 5
  - Integration with other Strategies..... 6
  - Contributing to Achieving Wider Aspirations ..... 8
  - Promoting the Licensing Objectives in Manchester..... 9
- 2 Guide to Manchester’s Licensing Policy..... 10
  - Operation of the Policy ..... 12
  - Departures from the policy ..... 12
- 3 The Licensing Process ..... 13
  - Licensable activities and the licensing objectives..... 13
  - Making a representation ..... 15
  - Reviews ..... 15
  - Considerations of impact within the vicinity of licensed premises ..... 16
  - Integration with Planning ..... 16
  - The Need for Licensed Premises ..... 17
  - The Cumulative Impact of Concentrations of Licensed Premises ..... 17
  - Consultation for the Draft Licensing Policy ..... 18
  - The Licensing Committee and its delegation of functions ..... 18
  - Implementation of this Statement of Licensing Policy ..... 19
  - Duplication with other regulatory regimes ..... 19
- 4 Other Important Related Schemes ..... 20
  - Purple Flag ..... 20
  - Pubwatches and Off Licence Forums..... 21
  - Best Bar None ..... 21
- 5 The Key Factors ..... 22
- 6 What we aim to Encourage (KF1) ..... 24

---

7 The Location of Licensed Premises (KF2) ..... 25

    Aspirations for our Neighbourhoods ..... 26

8 Hours for Licensed Premises (KF3) ..... 28

9 Standards to Promote the Licensing Objectives (KF4)..... 29

    The Prevention of Crime and Disorder ..... 30

    Public Safety..... 35

    The Prevention of Public Nuisance ..... 37

    The Protection of Children from Harm..... 41

10 Off Sales of Alcohol (KF5)..... 44

11 Adult Entertainment (including striptease, nudity and other entertainment of a sexual nature) ..... 45

12 The Use of Tables and Chairs on the Public Highway ..... 46

13 Premises Licences for large-scale public Events ..... 47

14 Personal Licences ..... 50

15 Temporary Event Notices ..... 52

16 Designated Premises Supervisors ..... 54

17 Enforcement and Monitoring ..... 55

18 Minor Variations ..... 56

19 Film Classifications..... 58

Appendix 1 – The Licensing Unit and Responsible Authorities..... 60

Appendix 2 – Relevant Information for Residents and other Interested Parties..... 63

Appendix 3 – Mandatory Conditions ..... 67

Appendix 4 – Disapplication of Mandatory Conditions for Community Premises..... 70

Appendix 5 – Example Conditions ..... 72

Appendix 6 – Recommended CCTV Specifications ..... 73

Appendix 7 – Delegation of Functions..... 77

Appendix 8 – Glossary ..... 79



## **Foreword by Leader**

To be included in published policy.

## 1 Introduction

- 1.1 This Statement of Licensing Policy (hereafter referred to as the “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 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 2 (Relevant Information for Residents and other Interested Parties).
- 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.
- 1.5 Section 2 (Guide to the Policy) sets out how this Licensing Policy is intended to be used in respect of licence applications and licensed premises. All parties looking to use the policy including licensees, local residents and licensing practitioners may initially wish to refer to this section.
- 1.6 The Policy uses technical terms relevant to the Licensing Act 2003. These will be explained throughout the document but the Glossary at Appendix 8 may also be a useful reference.
- 1.7 Section 3 contains a breakdown of the licensing process for an application for a new premises licence or club premises certificate, which may be a helpful reference in understanding how the process works. This process is also applicable to applications for variation of an existing licence or certificate.

## **Integration with other Strategies**

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

## **Community Strategy**

- 1.9 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.
- 1.10 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.
- 1.11 This Licensing 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**

- 1.12 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.
- 1.13 Manchester's vision is one of successful neighbourhoods that 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.
- 1.14 It is essential to understand and address the issues that specific neighbourhoods face. This 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.
- 1.15 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 existent supporting Local and Ward Plans, to ensure only premises that contribute positively to local areas and neighbourhoods, are licensed.

### **Cultural Strategy**

1.16 The Licensing Authority will monitor the impact of the licensing regime on the provision of regulated entertainment, and particularly live music and dancing. The Licensing Authority will 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

1.17 Our Licensing Policy 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**

1.18 The Crime Reduction Strategy ties in with and is complemented by the Alcohol Strategy. This Licensing Policy 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**

1.19 Manchester’s Alcohol Strategy seeks to address the impact of alcohol on our communities. The 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 Licensing Policy will play a significant contribution in achieving the goals of the Strategy.

## **The Core Strategy**

- 1.20 The Core Strategy will be the key Development Plan Document in the Local Development Framework (LDF). Once adopted, the Core Strategy will replace the existing Unitary Development Plan as the document that sets out the long term strategic policies for Manchester's future development and will form the framework that planning applications will be assessed against.
- 1.21 Any applicant who chooses to apply for the relevant licence prior to obtaining planning permission are advised to be aware of the relevant planning policy for the locality.
- 1.22 The Licensing Policy seeks to ensure that licensed premises contribute positively to the area in which they are located. Through the Key Factors, we will ensure that only premises will be licensed that contribute positively to supporting the aspirations for the local areas and neighbourhoods in which they are located.

## **Contributing to Achieving Wider Aspirations**

- 1.23 The Licensing Authority recognises that there is no public health licensing objective and therefore, cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.
- 1.24 However, the Licensing Authority recognises the impact of alcohol misuse in Manchester, and it is hoped that through the implementation of this Licensing Policy that the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse in the city. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse, which is a significant issue in the city. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the Licensing Authority conducting its licensing function under the Act to promote the licensing objectives.

## **Promoting the Licensing Objectives in Manchester**

1.25 The Licensing Authority works in conjunction with partners such as Environmental Health, Trading Standards, Greater Manchester Police, Planning Department, 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 Licensing Policy sets out the relevant information on how licence applications will be determined and how licensed premises are expected to operate in Manchester, as well as explaining how licensing integrates with other related strategies for the city.
- 2.2 The aims of this Licensing 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 Manchester City Council, as the Licensing Authority, is committed to ensuring that licensed premises are an asset to their locality; which respect the character and identity of the area through the implementation of this Licensing Policy. However, where licensed premises fail to promote the licensing objectives, the Licensing Authority will take appropriate steps to address any such licence-related issues (See Section 17 – Enforcement and Monitoring).
- 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 the Glossary at Appendix 8 for definition).
- 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 2 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 (either against or in support of an application)
  - Finding 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 them
  - 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 to ensure they are aware of, and can address, any needs or concerns they may have.
- 2.8 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 suggested measure at PN3 in the Standards to Promote the Licensing Objectives (Public Nuisance) in Section 9.
- 2.9 This Licensing Policy contains a number of Key Factors, which are the primary issues that it expects to be considered in respect of licensed premises:
- |     |   |
|-----|---|
| KF1 | “What we aim to Encourage”                      |
| KF2 | “The Location of Licensed Premises”             |
| KF3 | “Hours for Licensed Premises”                   |
| KF4 | “Standards to Promote the Licensing Objectives” |
| KF5 | “Off Sales of Alcohol”                          |
- 2.10 These Key Factors set out what the Licensing Authority expects licensees to have regard to when identifying the steps that they intend to take in order to promote the licensing objectives relevant to the licensable activities and hours for their premises.
- 2.11 The Licensing Authority has a range of licensed premises and activities it aims to encourage (KF1). A key aim of this Licensing Policy is to ensure desirable destinations for a wide range of age groups and uses and licensees 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.
- 2.12 Consideration should then be given to the Location (KF2) and Hours (KF3) Key Factors, having regard to the nature of the venue and the licensable activities with respect to the character of the area where the premises is located.
- 2.13 KF4 ‘Standards to Promote the Licensing Objectives’ sets out what the Licensing Authority expects licensees to have regard to when identifying the steps they intend to take in order to promote the licensing objectives relevant to the licensable activities and hours for their premises.
- 2.14 There is a separate Key Factor (KF5) for premises licensed for the sale of alcohol for consumption exclusively off the premises, which sets out specific considerations for such premises.



### **Operation of the Policy**

- 2.15 The Standards to Promote the Licensing Objectives set out what the Licensing Authority expects licensees to have regard to when considering the steps they intend to take in relation to the Key Factors in order to promote the licensing objectives.
- 2.16 There is likely to be a greater chance of a representation being made (and therefore a hearing) where the factors contained in this Licensing Policy are not addressed in the operating schedule.
- 2.17 The policy is to attach conditions consistent with the Key Factors, 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.
- 2.18 Where, following relevant representations and a hearing, the Licensing Authority is not satisfied that the imposition of conditions will ensure the promotion of the licensing objectives; the policy is to refuse the application.
- 2.19 Licensees are not obliged to address the Key Factors in their operating schedule; if this is not done, and there is no relevant representation, then the licence must be granted as applied for. However, if there is a relevant representation, there will be a hearing and the Licensing Authority will take this Licensing Policy into account.
- 2.20 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**

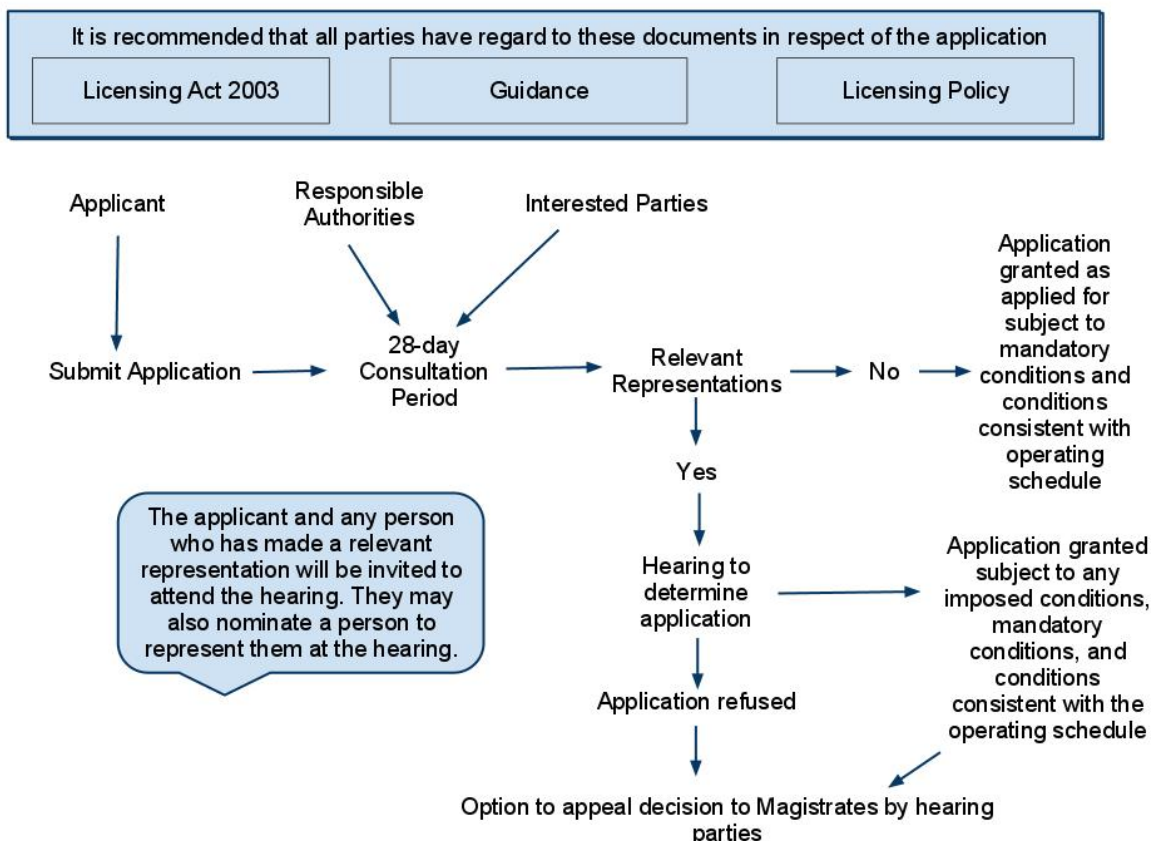
- 2.21 This Licensing Policy sets out the vision the Licensing Authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Licensing Authority may depart from the policies 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 licensee also sets out any steps that they propose to take in order to address the four licensing objectives.
- 3.6 The licensee 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 licensee 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 Licensing 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 the views of any party to be taken into account in respect of an application, they must qualify as 'relevant', which means representations that are:
- (a) made by either a Responsible Authority or Interested Party
  - (b) made in writing to the Licensing Authority;
  - (c) received by the Licensing Authority no later than 28 days after the date the application was made (10 working 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 objective; and
  - (e) must not (in the case of Interested Parties) be considered by the Licensing Authority as frivolous or vexatious
- 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.
- 3.17 Further information on making a representation can be found at Appendix 2.

## **Reviews**

- 3.18 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.
- 3.19 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.
- 3.20 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.
- 3.21 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.
- 3.22 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

- 3.23 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.
- 3.24 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.
- 3.25 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**

- 3.26 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 the Licensing 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.
- 3.27 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**

- 3.28 The licensing process is separate from planning and building control regimes and shall be properly separated to avoid duplication and inefficiency. 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 licensee 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 licensee 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.

### **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 or underage
- 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 Licensing Policy**

3.35 In accordance with section 5(3) of the Licensing Act 2003, the following were consulted in respect of the formulation of this 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 consider 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 consisting 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 7.

### **Implementation of this Statement of Licensing Policy**

- 3.38 This Licensing Policy 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 Licensing Policy 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 Licensing Policy 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 in which 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 expects 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 consideration of availability of transport is addressed through the Location considerations in Section 7 of the Licensing Policy by ensuring that there are 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 Licensing 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 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 Licensing Policy we have set out how we will prevent and address such issues.
- 5.2 Our aim 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 Encourage”
- KF2 “The Location of Licensed Premises”
- KF3 “Hours for Licensed Premises”
- KF4 “Standards to Promote the Licensing Objectives”
- KF5 “Off Sales of Alcohol”
- 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 (vertical drinking), 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 licensee's operating schedule.

- 5.7 However, we have established Key Factors we expect licensees 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 Licensing Policy. The licensee is expected to consider the Key Factors and the potential impact upon the licensing objectives relevant to them. The Licensing Policy is applicable to all premises providing any licensable activity, and it is important that all premises have regard to it.
- 5.9 The Standards to Promote the Licensing Objectives (Key Factor 4) set out what the Licensing Authority expect licensees to have due consideration to in how they operate their premises. However, it is a matter for them to propose the measures they consider necessary with respect to their individual circumstances.
- 5.10 The Licensing Authority expects licensees to implement all measures they consider necessary to promote the licensing objectives with respect to their individual circumstances. The Standards may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to consideration of those measures outlined in the Licensing 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 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.

## **7 The Location of Licensed Premises (KF2)**

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

1. The proposed operation of the 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

7.2 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 i.e. through limited seating provision. Vertical drinking has been linked with encouraging binge drinking and an increased potential for violence and antisocial behaviour.

7.3 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.

7.4 There is the need to balance the needs of residents with that of the night time economy. Licensees 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)
- Prevention of disturbance from people arriving at and leaving the premises
- Litter from the premises (This issue is considered particularly relevant in respect of late night takeaways and smoking-related litter outside of licensed premises)

- Disturbance caused by deliveries including waste collection

7.5 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**

7.6 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 that attract and retain people from diverse communities and in which people feel secure and supported. Each of our neighbourhoods is different to each other and services need to be flexible to meet these different needs.

7.7 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**

7.8 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 existent supporting Local and Ward Plans, to ensure premises are only licensed that contribute positively to local areas and neighbourhoods.

7.9 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.

7.10 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 in the local area in ensuring the promotion of the licensing objectives on an ongoing basis.



## **8 Hours for Licensed Premises (KF3)**

- 8.1 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.
- 8.2 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.
- 8.3 The Authority will have particular consideration to the location of premises and their likely effect on the locality for such applications in relation to appropriate hours consistent with promoting the four licensing objectives.
- 8.4 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.
- 8.5 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 7.
- 8.6 However, it is expected that 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. It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.
- 8.7 Licensees are strongly encouraged only to apply for hours that they realistically intend to operate.
- 8.8 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.

## **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 licensee 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 In Key Factor 4, 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 them to consider and propose the measures they regard as necessary to promote the licensing objectives with respect to the individual circumstances of their application. These measures are not exhaustive and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside of the Standards.
- 9.4 The Standards may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives. They may also wish to liaise with the Responsible Authorities and local residents or businesses in considering whether any additional issues may be relevant.
- 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 the Licensing Policy.
- 9.7 The policy is to attach conditions in accordance with the Standards to Promote the Licensing Objectives outlined in this Licensing Policy 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 them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective is proposed as part of an operating schedule, it need only be included once.

## **The Prevention of Crime and Disorder**

The Licensing Authority expects licensees to implement all measures they consider necessary to promote the Prevention of Crime and Disorder licensing objective with respect to their individual circumstances. The Standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to considering only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

### **CD1 Implementation of effective security measures at the premises**

It is expected that 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. It is expected that premises hold security review meetings on a regular basis to help identify and resolve issues and ensure staff are fully aware of important issues. Relevant issues could include the prevention of thefts, or identifying problematic individuals.

### **CD2 The effective management of queues outside the premises**

Queues should be managed effectively to prevent any nuisance or disorderly behaviour. There should be a consistent approach to the management of customers waiting to enter the premises and licensees are expected to demonstrate how they will manage queues to the premises.

### **CD3 The control of entry to and exit from the premises, including assessing the need for door supervisors**

Consideration should be given to how capacity will be controlled and how already drunk or disorderly individuals will be prevented from being admitted. A relevant consideration will be whether security staff will be employed at the premises. It is expected that the need for security staff will be determined by documented risk assessment.

Where door supervisors are provided, it is expected that licensees 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**

#### **CD4 Operation of a documented 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.

#### **CD5 Operation of a documented policy for searching the premises building**

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

#### **CD6 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](http://www.securedbydesign.com) (ACPO).

#### **CD7 Comprehensive 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 Licensing Policy, the nature of the area the premises is located as well as any appropriate individual circumstances.

#### **CD8 Use of Nitenet radio service 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.

#### **CD9 Implementation of documented reporting procedures at the premises**

Important and relevant incidents that occur at the premises should be recorded. 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

#### **CD10 Ensuring responsible 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.

#### **CD11 Provision of comprehensive documented staff training**

Documented staff training should be conducted relevant to the prevention of crime and disorder issues on the premises, to include (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
- Action to be taken in the event of an emergency including the report of a crime, fire, or request for emergency medical attention.

- Licence conditions
- Relevant obligations and offences under the Licensing Act 2003, including those associated with the sale of alcohol

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

### **CD12 Implementation of effective measures to prevent and deal with drunkenness at the premises**

Premises licensed for the sale of alcohol for consumption on the 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](http://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](http://www.tsdscard.com))
- Ensuring alcohol-free options are readily available
- Making appropriate arrangements to ensure the safe transport home of vulnerable customers.

### **CD13 Ensuring only responsible drinks promotions are 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 licensees 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.

### **CD14 Effective monitoring of the premises (both interior and exterior) including the use of CCTV**

It should be demonstrated how the premises will be effectively monitored; for example, patrols by staff, which areas will be covered by CCTV, whether security staff will be employed and, if so, where as well as any other appropriate measures. Additionally, appropriate monitoring of external areas e.g. immediately outside the entrance to the premises, smoking shelters or beer gardens, should be addressed where relevant.

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).

#### **CD15 Ensuring all alcohol sales are properly authorised**

The Licensing Authority consider it good practice for alcohol-licensed premises to ensure that there is a personal licence holder on site at all times the premises is open for the sale of alcohol. Depending on the size of the premises, it may be appropriate for multiple personal licence holder to be on duty, for example, if the premises has more than one bar, or is particularly large.

#### **CD16 Prevention of illegal drug use and anti-spiking at the premises**

A zero tolerance policy should be implemented regarding the use of illegal drugs on the premises. A drugs policy should be in writing and include how drugs will be prevented from being brought into the premises, 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. Licensees for on-licensed premises should also consider what action will be taken to prevent the spiking of drinks at the premises. This could include encouraging customers to ensure that drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.

#### **CD17 Operation of 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. A documented risk assessment should be conducted for the use of glassware on the premises and safer drinking vessels, such as toughened glass or polycarbonate, should be used when necessary. Risk assessments should also include the use of glass in external areas (if appropriate) as well as how glass collections will be managed throughout the premises, including the frequency of such collections.

## **Public Safety**

The Licensing Authority expects licensees to implement the measures they consider necessary to promote the Public Safety objective with respect to their individual circumstances. The Standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

### **PS1 Maintaining a safe capacity and recording customer numbers**

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

### **PS2 Ensuring Fire Safety procedures are in place and up to date**

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

### **PS3 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.

### **PS4 Provision of comprehensive documented staff training**

Documented staff training should be provided, to ensure adequate public safety on the premises, including (but not limited to):

- First Aid
- Fire safety procedures
- Evacuation procedures
- Terrorist threats (predominately city-centre venues)
- Overcrowding

### **PS5 Implementation of appropriate anti-terrorism measures**

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".



**PS6 Operation of a documented glass collection and spillage policy**

Premises licensed for the sale of alcohol for consumption on the premises should have a policy and procedure in place to ensure effective and efficient collection of glasses and the cleaning-up of spillages throughout the premises

## **The Prevention of Public Nuisance**

The Licensing Authority expects licensees to implement the measures they consider necessary to promote the Prevention of Public Nuisance objective with respect to their individual circumstances. The Standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

### **PN1 Prevention of 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 may be relevant. Licensees 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 Communication and integration with local residents and businesses**

Licensees are encouraged to consult with local residents and businesses prior to submitting an application for a new licence or variation of an existing licence to ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage and ensure the promotion of the licensing objectives.

Licensees are expected to communicate with local residents and businesses, 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. Licensees could also arrange regular meetings with neighbours to ensure good relations.

### **PN4 Effective management of exterior spaces (e.g. beer gardens, smoking areas)**

Where the premises include any exterior areas, licensees 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;
- how they will prevent begging at and in the immediate exterior of the premises

**PN5 Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter**

Where the licensable activities could give rise to litter being dropped in the vicinity of the premises, the measures in place to prevent this occurring and/or tidy it up should be demonstrated. Such measures could include regular litter inspections during the hours of operation and at the close of business, the placing of litter bins in prominent areas of the premises, reducing packaging and the use of branded packaging.

**PN6 Responsible management of the use of flyers and other promotional material**

The irresponsible use of flyers can cause major litter problems. Any use of flyer and other promotional material should be done in a responsible and appropriate manner. It should be noted that Permits are required for flyering in various areas of the city.

**PN7 Ensuring adequate arrangements for secure and responsible storage of refuse**

Adequate and secure storage for refuse should be provided that is appropriate for the nature of the business. Particular regard should be had to the management of glass bottles to prevent access to glass bottles outside the premises as potential weapons, or the emptying of bottles into refuse containers at times that could disturb local residents or businesses.

**PN8 Appropriate arrangements for deliveries and collections**

Consideration should be given to how and at what times deliveries are made to the premises to avoid disturbance to local residents and business and avoid any obstruction. Equally, this would apply to any collections from the premises, for example refuse collections by private contractors.

**PN9 Prevention of customers causing disturbance when leaving the premises**

Licensed premises need to ensure the orderly exit and dispersal of customers from the premises. Relevant considerations could include:

- Prominent display of notices requiring courtesy for neighbours
- Preventing customers from congregating outside
- Providing advice and directions to available 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 any local 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.

## **The Protection of Children from Harm**

The Licensing Authority expects licensees to implement the measures they consider necessary to promote the Protection of Children from Harm licensing objective with respect to their individual circumstances. The Standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider necessary to promote the licensing objectives.

### **CH1 Risk assessment where children on the premises**

Regard should be had to specific risks that may arise with regard to the presence of children on the premises. The risk assessment should be documented and available for inspection by the Responsible Authorities upon request. Relevant considerations could include:

- Will access be restricted to certain areas of the premises;
- Is there adequate supervision;
- Are the areas covered by CCTV;
- Will alcohol sales be restricted in areas where children are permitted;
- How will children be prevented access to alcohol

Special consideration is expected to be given to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The Licensing Authority expects robust measures to be in place to address potential risks associated with such an activity.

### **CH2 Ensuing any gambling and cigarette machines on the premises are appropriately located and properly monitored**

Consideration should be given to the ability to supervise their use with regard to location to ensure underage persons do not use them with regard to any code of practice issued by the Gambling Commission (gambling machines) and NACMO (cigarette machines) respectively, and advice from the Licensing Authority.

### **CH3 Ensuring entertainment at the premises is age-appropriate**

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

### **CH4 Taking action to prevent proxy sales of alcohol from the premises**

Premises licensed for the sale of alcohol should take pro-active steps to prevent this occurring. Possible measures 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 Proper management of any child performers**

It is expected that any child performers are properly licensed with the Council's Juvenile Employment Department and a nominated adult is present to act in a supervisory capacity.

#### **CH6 Ensuring age-restrictions are enforced effectively when showing films**

Where age restricted films are displayed, appropriate and effective measures must be in place to ensure relevant age restrictions are complied with.

#### **CH7 Prevention of underage sales of age-restricted products and under age persons access**

Effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Relevant considerations include:

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

#### **CH8 Provision of comprehensive 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 Display of child welfare information in public areas of the premises**

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](http://www.manchesterscb.org.uk)), or telephone number for the Contact Centre for Social Care (0161 2558250) or NSPCC Helpline (0808 800 500) or dialling 999 in the event of an immediate threat.



## **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 licensed for the sale of alcohol for consumption exclusively 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 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 lap dancing.
- 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 7 (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 licensees 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.
  - How the entertainment will be advertised and promoted at the premises
- 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 Licensees 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 Licensees are expected to have regard to the management standards in Section 9 of the Licensing 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.

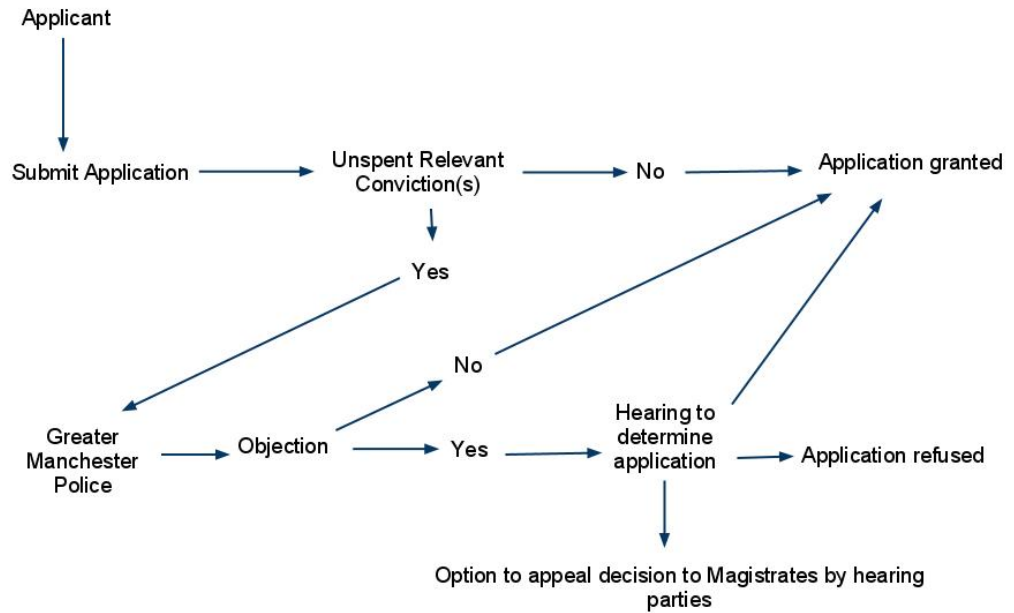
- Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimises the impact of visitors to the area for the event – whilst maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, 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 Licensees 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.

It is recommended that all parties have regard to these documents in respect of the application

Licensing Act 2003	Guidance	Licensing Policy
--------------------	----------	------------------

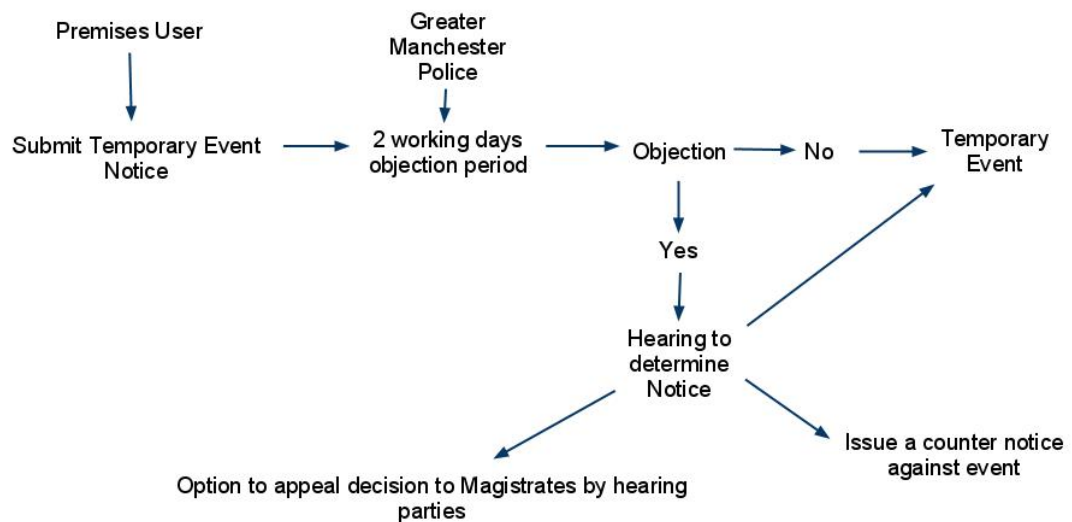
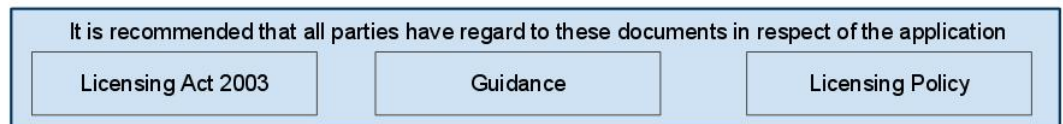




## 15 Temporary Event Notices

- 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.



**MUST BE 10 CLEAR WORKING DAYS BETWEEN DAY NOTICE IS SUBMITTED AND THE FIRST DAY OF THE EVENT**

## **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 licensee 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, “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 Enforcement action has been taken in respect of issues including unlicensed premises, underage sales, and breaches of licence condition by the Responsible Authorities such as Greater Manchester Police, Environmental Health and Trading Standards.
- 17.4 The Licensing Authority takes a risk-based and 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.
- 17.5 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.
- 17.6 Additionally, where offences are committed, prosecution may be considered.
- 17.7 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.
- 17.8 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.
- 17.9 The Responsible Authorities (see Appendix 1) are available to provide advice and support to licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

## 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 licensee 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 licensee 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  
PO Box 271  
Manchester  
M18 8YU



[www.manchester.gov.uk/la2003](http://www.manchester.gov.uk/la2003)



[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)



0161 234 4512



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  
Bootle Street Police Station  
Bootle Street  
Manchester  
M2 5GU



[www.gmp.police.uk](http://www.gmp.police.uk)



[centrallicensing@gmp.police.uk](mailto:centrallicensing@gmp.police.uk)



0161 856 3363

### Greater Manchester Fire Authority

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

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



[www.manchesterfire.gov.uk/authority/](http://www.manchesterfire.gov.uk/authority/)





n/a






0161 608 5310

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

The Fire Safety Manager		<a href="http://www.manchesterfire.gov.uk/authority/">www.manchesterfire.gov.uk/authority/</a>
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)		<a href="http://www.manchester.gov.uk/envhealth/">www.manchester.gov.uk/envhealth/</a>
1 Hammerstone Road		<a href="mailto:EnvH.Licensing@manchester.gov.uk">EnvH.Licensing@manchester.gov.uk</a>
Gorton		
Manchester		0161 234 4854
M18 8EQ		

## Environmental Health

Environmental Health (Premises Licences)		<a href="http://www.manchester.gov.uk/envhealth/">www.manchester.gov.uk/envhealth/</a>
1 Hammerstone Road		<a href="mailto:EnvH.Licensing@manchester.gov.uk">EnvH.Licensing@manchester.gov.uk</a>
Gorton		
Manchester		0161 234 4854
M18 8EQ		




## Planning

Manchester Local Planning Authority (Premises Licences)		<a href="http://www.manchester.gov.uk/planning">www.manchester.gov.uk/planning</a>
PO Box 463		<a href="mailto:planning@manchester.gov.uk">planning@manchester.gov.uk</a>
Town Hall		
Manchester		0161 234 4516
M60 3NY		

## Trading Standards

Trading Standards Service		<a href="http://www.tradingstandards.gov.uk/manchester/">www.tradingstandards.gov.uk/manchester/</a>
1 Hammerstone Road		
Gorton		<a href="mailto:trading_standards@manchester.gov.uk">trading_standards@manchester.gov.uk</a>
Manchester		
M18 8EQ		0161 234 1555

## Manchester Safeguarding Children Board

Manchester Safeguarding Children Board		n/a
c/o Licensing Administrator		
2nd Floor		<a href="mailto:glicensing@manchester.gov.uk">glicensing@manchester.gov.uk</a>
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.		<a href="http://www.shipcanal.co.uk">www.shipcanal.co.uk</a>
Peel Dome		
Trafford Centre		n/a
Manchester		
M17 8PL		0161 629 8266

## **Appendix 2 – Relevant Information for Residents and other Interested Parties**

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 on understanding how to find out about applications and submit any comments (representations) in respect of them. Representations do not have to be objections and can be made in support of an application.

In this section, references to ‘licences’ shall also be relevant to ‘club premises certificates’.

Further useful information and guidance can be found on the Council’s website at [www.manchester.gov.uk/la2003](http://www.manchester.gov.uk/la2003) and also at the Department for Culture, Media and Sport’s website at [www.culture.gov.uk](http://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 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. The Licensing Authority's 'licensing register' is available online at:

[www.manchester.gov.uk/la2003/licensingregister](http://www.manchester.gov.uk/la2003/licensingregister)

## Representations

If you want your views to be considered by the Council in respect of a particular application, you must submit a 'relevant representation'. A relevant representation must:

- (a) be made by either a Responsible Authority (see Appendix 1) or Interested Party (see Appendix 8)
- (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.

Any representation that is considered as frivolous or vexatious by the Licensing Authority will not be accepted.

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, you should demonstrate how your representation affects the promotion of the licensing objectives.
- Provide an evidential base for the grounds of the representation; which could include written logs of problems, details of previous complaints, photographs or video evidence of the particular issues.
- Ensure as far as possible that 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. If you consider that an application has not addressed any particular issues in any of the Key Factors, then you should highlight these and explain your reasons why you think these issues should be addressed.
- 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 and 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 nominate any person, including a local councillor, to represent you at the hearing to determine the application. It is your responsibility to ensure that the nominated person is available and willing to represent you. 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 Licensing Policy provides details on the enforcement approach by Manchester City Council and there are a range of enforcement measures available to agencies that 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](mailto: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 Section 3 on Page 14).

The Licensing Authority encourages licensed premises, local residents and businesses to work together in achieving the promotion of the licensing objectives and it 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" as defined by the Licensing Act 2003.

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 3 – 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
- b) customers are made aware of the availability of these measures.

## **Appendix 4 – 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 5 – 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, licensees, 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 6 – 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 7 – Delegation of Functions

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

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
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

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
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 8 – Glossary

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

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive nor are the definitions legally comprehensive.

<b>ACPO</b>	Association of Chief Police Officers (see <a href="http://www.acpo.police.uk">www.acpo.police.uk</a> )
<b>Applicant</b>	A person making an application for a premises licence or club premises certificate
<b>Application to vary a premises licence</b>	Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new premises licence.
<b>ASB</b>	Anti-social behaviour
<b>BBFC</b>	British Board of Film Classification, the national body responsible for the classification of cinema films and videos
<b>BBPA</b>	British Beer and Pub Association (see <a href="http://www.beerandpub.com">www.beerandpub.com</a> )
<b>CCTV</b>	Closed Circuit Television.
<b>Club Premises Certificate</b>	Club premises certificates are authorisations needed by clubs to carry on certain activities (e.g. selling alcohol to members and their guests). They may be granted to clubs which meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These commonly include ex-services clubs such as the Royal British Legion, Conservative, Labour and Liberal clubs, working men's clubs, miners' welfare institutions and sports and social clubs. The application process is similar to that for a premises licence. For example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a premises licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a club premises certificate.

<b>Conditions</b>	Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions the holder of the premises licence or the club premises certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question. The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.
<b>Conditions consistent with the operating schedule</b>	Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions the holder of the premises licence or the club premises certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.
<b>Councillor</b>	An elected Member of the Council
<b>Designated Premises Supervisor</b>	The Designated Premises Supervisor (DPS) is a personal licence holder specified in the premises licence. All premises licensed to sell alcohol will have an identified “personal licence holder”, known as the “DPS”. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority at a premises.
<b>Designated Public Place Order (DPPO)</b>	Designated public places orders are used by local authorities to deal with the problems of anti-social alcohol drinking in public places. Once a DPPO is in place the police can use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's requests to stop drinking and surrender alcohol without reasonable excuse is.
<b>Door Supervisors</b>	Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events.
<b>DPS</b>	Designated Premises Supervisor
<b>Family friendly venues</b>	Places that people with children can attend. These need not necessarily be places specifically aimed at children but could be premises appealing to adults which also provide for children

<b>Guidance</b>	<p>Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.</p>
<b>In the vicinity</b>	<p>Whether somebody lives or works “in the vicinity” of a premises is a matter that will be decided by the relevant licensing authority. The word has no particular technical meaning and in licensing matters should be interpreted as an ordinary English word and in a common sense fashion. In doing this, licensing authorities might take into account whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises.</p>
<b>Interested Parties</b>	<p>Section 13 of the Licensing Act 2003 defines “interested parties” as:</p> <ul style="list-style-type: none"><li>a) a person living in the vicinity of the premises in question;</li><li>b) a body representing persons living in that vicinity, for example, a residents’ association, or a parish or town council;</li><li>c) a person involved in a business in the vicinity of the premises in question;</li><li>d) a body representing persons involved in such businesses, for example, a trade association; and</li><li>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*</li></ul> <p>* Elected councillors are not required to live in the vicinity or in the same ward as the licensed premises they are making a representation about, and are not required to have been requested to act by any other person or body.</p> <p>The term "member of the licensing authority" refers only to elected councillors, and not officers or other employees of the authority.</p>
<b>Irresponsible Promotions</b>	<p>An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.</p>
<b>Key Factors</b>	<p>The primary issues that the Council expects to be considered in respect of licensed premises</p>

<b>Late night refreshment</b>	The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to anyone between 11pm and 5am, on or from premises to which the public has access. However, there are a number exemptions in Schedule 2 (e.g. vending machines in certain circumstances; where the hot food or hot drink is supplied free of charge; or where it is supplied by a registered charity).
<b>Licensable Activities</b>	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a premises licence, a club premises certificate or a temporary event notice).
<b>Licensee</b>	Generally refers to the holder of a premises licence but also includes in this policy an applicant for a premises licence, or applicant for a provisional statement unless otherwise stated.
<b>Licensing Act 2003</b>	<p>The Licensing Act 2003 became law on 24 November 2005.</p> <p>The Licensing Act 2003 (the Act) introduced a single license scheme for licensing premises which:</p> <ul style="list-style-type: none"><li>• Supply of alcohol</li><li>• Provide regulated entertainment</li><li>• Provide late night refreshment</li></ul>
<b>Licensing Authority</b>	This refers to Manchester City Council as the body responsible for licensing under the Act.
<b>Licensing Objectives</b>	<p>Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:</p> <ul style="list-style-type: none"><li>• The prevention of crime and disorder</li><li>• Public safety</li><li>• The prevention of public nuisance</li><li>• The protection of children from harm</li></ul> <p>Licensing authorities must decide applications in connection with premises licences and club premises certificates on the basis of the steps it considers necessary to promote these objectives. Each objective is of equal importance.</p>
<b>Licensing Policy</b>	see Statement of Licensing Policy

<b>Licensing Register</b>	Licensing authorities are required to keep a register containing a record of all premises licences; club premises certificates and personal licences issued by it and temporary event notices received by it, as well as various other matters set out in Schedule 3 to the 2003 Act. Full details of the information that must be contained in licensing authority register can be found on the DCMS website. You can inspect the licensing authority's register of licences during office hours without charge.
<b>Licensing Sub-Committee</b>	Full licensing committees delegate a number of their functions to one or more "licensing sub-committees". These are made up of three members of the full licensing committee.
<b>Mandatory conditions</b>	The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate.
<b>Minor Variation</b>	Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to: <ul style="list-style-type: none"><li>• 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</li><li>• 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.</li></ul>
<b>Nitenet</b>	Radio communication network linking licensed premises that is operated in the city centre
<b>Operating Schedule</b>	The operating schedule is the part of the application form for a premises licence or club premises certificate, where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities; proposed opening hours and times for licensable activities; proposed duration of the licence or certificate; and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the premises licence or club premises certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.
<b>Personal Licence</b>	Personal licences authorise an individual to supply alcohol, or authorise the supply of alcohol in accordance with a premises licence or a temporary event notice. Not everybody that works in any licensed premises will need to hold a personal licence; however, all premises licensed to sell alcohol will have an identified personal licence holder, known as the "designated premises supervisor". In addition, all supplies of alcohol under a premises licence must be made or authorised by a person that holds a personal licence.



<b>Premises Licence</b>	A premises licence authorises the use of premises for “licensable activities”.
<b>Provisional Statement</b>	This “statement” can be applied for where premises are being, or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities.
<b>Purple Flag</b>	Purple Flag is the new "gold standard" that recognises great entertainment and hospitality areas at night. Places that achieve the standard will be those that offer a positive experience to night time visitors and users. The scheme is managed by the Association of Town Centre Management working alongside the Purple Flag Advisory Board - a partnership of key stakeholder groups, including central and local government, police, business and consumers.
<b>Qualifying Clubs</b>	Qualifying clubs are those clubs which meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under “club premises certificate” above). Such clubs carry on activities from premises to which public access is restricted and alcohol is supplied other than for profit.
<b>Regulated Entertainment</b>	<p>Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment:</p> <ul style="list-style-type: none"><li>• The performance of a play</li><li>• An exhibition of a film</li><li>• An indoor sporting event</li><li>• Boxing or wrestling entertainment</li><li>• A performance of live music</li><li>• Any playing of recorded music</li><li>• A performance of dance</li><li>• Entertainment of a similar description to live music, recorded music or dance</li><li>• Facilities for allowing people to make music</li><li>• Facilities for allowing people to dance</li><li>• Facilities for allowing entertainment of a similar description to making music or dancing</li></ul> <p>Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of “regulated entertainment” applies. These rules concern the intended audience and whether the regulated entertainment is for profit.</p>

<b>Representation</b>	Submission made to the Licensing Authority in respect of an application. Representations can be in support or against an application
<b>Relevant Representation</b>	These are written representations about the likely effect of the grant of an application for, or variation to a premises licence or club premises certificate, on the promotion of the licensing objectives. “Interested parties” such as local residents and “responsible authorities” such as environmental health can make representations. The term “relevant” relates to representations made by interested parties, and refers to representations that are considered “valid” by the licensing authority. The representations must be made within 28 days after the day on which the application is given and must be made seriously (i.e. must not be frivolous or vexatious). Representations can also be made in relation to an application for the review of the premises licence or club premises certificate.
<b>Responsible Authorities</b>	<p>Responsible authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. Responsible authorities include the following for the area in which the premises are situated:</p> <ul style="list-style-type: none"><li>• The chief officer of police</li><li>• The fire authority</li><li>• The health and safety authority</li><li>• The area in which the premises are situated</li><li>• The environmental health authority</li><li>• The body recognised as being responsible for protection of children from harm</li><li>• Inspectors of Weights and Measures (trading standards officers)</li><li>• And in respect of vessels only - i) The Environment Agency; ii) The British Waterways Board; iii) The Maritime and Coastguard Agency and if different from these, iv) the relevant navigation authority / authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.</li></ul>
<b>Review</b>	Interested parties including local residents can also request a review of a particular premises licence, when problems occur which are related to the licensing objectives. Following the review the licensing authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However, it can only take these actions where they are necessary to address the problem and promote one or more of the four licensing objectives.
<b>Risk Assessment</b>	The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.

---

<b>Statement of Licensing Policy</b>	Every licensing authority will publish a “statement of licensing policy” every 3 years. This will set out the general approach the licensing authority will take when making licensing decisions.
<b>Temporary Event Notice</b>	<p>This is the notice that organisers of small-scale temporary events must give to the licensing authority and the police to make it a “permitted temporary activity”. This notice must be in a prescribed form. There are certain limitations imposed on this system. These include:</p> <ul style="list-style-type: none"><li>• No more than 499 people (including staff/organisers) attending at any one time.</li><li>• An individual is limited to giving 5 TEN's in a calendar year, unless they are a personal licence holder for the sale of alcohol, in which case they can give 50.</li><li>• A limit of 12 temporary event notices may be given in respect of any particular premises in a calendar year.</li><li>• An event may last for no more than 96 hours.</li><li>• The maximum aggregate duration of the periods covered by temporary event notices at any individual premises of 15 days.</li></ul>
<b>TEN</b>	Temporary Event Notice
<b>Variation</b>	see Application to Vary a Premises Licence
<b>Vertical drinking establishment</b>	Premises used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.