

**Manchester City Council
Report for Resolution**

Report to: Licensing Policy Committee – 29 April 2013
Subject: Review of the Licensing Policy for Withington
Report of: The Strategic Director of Neighbourhood Services

Summary

At its meeting on 21 January 2013, the Licensing Policy Committee requested that officers obtain further independent legal advice in respect of a Cumulative Impact policy for Withington and to report back to the Licensing Policy Committee before the end of April 2013.

Purpose of Report

The report provides the Committee with the independent legal advice obtained and presents the Committee with a proposed revised special policy approach for Withington.

The report also proposes revisions to the Council's Statement of Licensing Policy to reflect changes brought about by the Police Reform and Social Responsibility Act 2012 and Live Music Act 2012.

Recommendations

The Committee is asked to consider and approve:

- (i) the proposed changes to the Policy as set out at Sections 3, 4 and 5 of the report, and
 - (ii) the proposed consultation process as set out at Section 6 of the report
-

Wards Affected: Withington, Old Moat, Fallowfield

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 proposed Special Licensing Policy will play an essential role in establishing that only such premises that are able to demonstrate that they shall not add to existing cumulative impact shall be licensed in the special policy areas, which will positively contribute to the economy of the region and sub-region.
Reaching full potential in education and employment	Licensed premises offer employment and training opportunities for local people, particularly those who are young.
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	The proposed Special Licensing Policy will play an essential role in establishing that only those premises that are able to demonstrate that they shall not add to existing cumulative impact shall be licensed in the affected areas, thereby ensuring the promotion of the licensing objectives, namely 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

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Background documents

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.

The Licensing Act 2003

Amended Guidance issued under Section 182 of the Licensing Act 2003, October 2012

Review of the Impact of Licensed Premises in Fallowfield and Withington, Licensing Policy Committee, 19 March 2012

Original Response documents to the Public Consultation on the Review of the Impact of Licensed Premises in Fallowfield

LP/12/02 Review of the Impact of Licensed Premises in Fallowfield - Consultation Analysis, Report to the Licensing Policy Committee, 22 January 2013

Statement of Licensing Policy 2011-14, Revised January 2013

1. Introduction

- 1.1 On 21 January 2013, the Licensing Policy Committee considered a report in relation to the proposed adoption of a special licensing policy to address the Cumulative Impact and Saturation of licensed premises in respect of three distinct areas of the city: Fallowfield, Wilmslow Road, and Withington.
- 1.2 The report presented the Policy Committee with the results of the public consultation and recommended that the Committee adopt the special policy in respect of the Fallowfield and Wilmslow Road areas only, and that they be amalgamated into one joint area, to be known as "Fallowfield/Wilmslow Road".
- 1.3 This recommendation was approved by the Committee and the Fallowfield/Wilmslow Road special policy was subsequently approved by the Council on 30 January 2013 for inclusion within the Council's Statement of Licensing Policy 2011-14.
- 1.4 The report also recommended that the special policy in relation to the Withington Area was abandoned, as the statistical evidence was not considered to be sufficiently robust to justify a special policy in respect of cumulative impact, despite there being overwhelming public support for its inclusion from the results of the public consultation.
- 1.5 As a result, the Policy Committee requested that officers obtain further independent legal advice in respect of a Cumulative Impact policy for Withington and for this advice to be reported back to the Licensing Policy Committee before the end of April 2013.
- 1.6 A copy of the minutes of the meeting is attached at Appendix 1.

2. Legal Advice

- 2.1 Independent legal advice was subsequently obtained from an experienced licensing barrister.
- 2.2 This independent opinion confirmed that the evidence in relation to the Withington Area was not sufficient to justify a policy presumption against the grant or extension of further licences in relation to the cumulative impact of licensed premises within the area.
- 2.3 However, it was suggested that an alternative special policy approach could be adopted, whereby the policy established a higher threshold against which an applicant would be expected to demonstrate their ability to promote the licensing objectives, having particular regard to pro-actively addressing the issues experienced within the Withington area.
- 2.4 Whilst such a policy would not create a presumption against the granting of further licences, as now exists in the Fallowfield/Wilmslow Road area, it would

represent a stricter approach than is standard through a more-stringent consideration of the application by the licensing authority.

3. Special Policy Proposal for Withington

- 3.1 Having regard to that recommendation, a special policy approach has been proposed and is attached at Appendix 2.
- 3.2 The special policy is to be incorporated at Section 4 within the draft revised Statement of Licensing Policy, attached at Appendix 3.
- 3.3 The effect of the policy is to create a presumption that a heightened level of scrutiny will be given to applications for new and varied licences within the area of Withington identified within the original consultation in 2012.
- 3.4 The proposed special policy area shall be known as the Withington Stress Area in order to reflect a differentiation from the Cumulative Impact and Saturation Policy in respect of Fallowfield/Wilmslow Road.
- 3.5 A map of the proposed special policy area is attached at Appendix 4.

4. Other proposed changes to the Statement of Licensing Policy

- 4.1 Since the publication of the Policy Statement in 2011, the Police Reform and Social Responsibility Act 2012 and Live Music Act 2012 have come into effect bringing amendments to the Licensing Act 2003.
- 4.2 Therefore, it is proposed to update any relevant existing aspects of the Policy Statement affected by the new legislation to ensure the policy accurately reflects the changes.
- 4.3 It is considered that it is not necessary to conduct a full public consultation in respect of these changes as their purpose is to ensure the Policy is factually accurate. Therefore, consultation on these proposals shall sit alongside any consultation on the special policy for the Withington Stress Area.
- 4.4 The changes to be incorporated are summarised below:

4.5 Police Reform and Social Responsibility Act 2012

4.5.1 Removal of 'Interested Parties' and 'Vicinity Test'

- 4.5.2 The term 'interested parties' was removed from the Licensing Act and replaced with reference to 'any person'. Therefore, there is no longer and limit to 'vicinity' in assessing a person's eligibility to submit make representation or review application.

4.5.3 Temporary Event Notices

4.5.4 Reference made to the inclusion of Environmental Health ability to object to TENs. Previously, only the police had the ability to object.

4.5.5 Revision to state that objection to a TEN can be made on the basis of any one of the four licensing objectives. Previously, only 'the prevention of crime and disorder' objective could be the basis for an objection.

4.5.6 Revision to stated limits and timescales applicable to TENs:

- Premises can be used for maximum 21 days per annum (previously 15)
- Timescale for objecting to TENs increased to 3 working days (from 2).
- Individual Notices can cover a period of up to 168 hours (previously 96)

4.5.7 Clarification that where conditions are to be attached to a Temporary Event Notice, they can only be attached following a hearing and if are also already imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice.

4.5.8 Provision for Late Temporary Events

4.5.9 Inclusion of 'late TENs' i.e. one that is submitted no earlier than 9 working days or later than 5 working days prior to the day of the event. If the police or Environmental Health object, a Counter Notice must be given by licensing authority and event cannot proceed. There are no appeal rights against Counter Notice for a Late TEN.

4.5.10 Reduction in evidential burden (from necessary to appropriate)

4.5.11 Revisions to references within the policy to reflect that any action or step taken must now be 'appropriate' for the promotion of the licensing objectives, rather than 'necessary' as originally set out in the legislation.

4.5.12 New Responsible Authorities

4.5.13 The Health Authority and the Licensing Authority have been included as Responsible Authorities.

4.6 Live Music Act

4.6.1 Removal of the Licensing Requirement for Entertainment Facilities

4.6.2 Removal to references of the Provision of facilities for making music or dancing, or similar, as being classed as Regulated Entertainment.

4.7 Other miscellaneous changes

- 4.7.1 A separate section has been established in respect of the Special Policies to give them more prominence within the document.
- 4.7.2 Previous Section 4 “Other Important Related Schemes” now incorporated within Section 1.
- 4.7.3 Process map diagrams revised to reflect changes to processes.
- 4.7.4 Other non-significant changes have been included to ensure the policy is up to date and accurate, for example, to reflect the licensing of tables and chairs on the highway is now done by the Licensing Unit, and not Highways.

5. Extension of the boundary of the Cumulative impact and saturation policy in respect of Fallowfield/Wilmslow Road

- 5.1 At the meeting on 22 January 2013, the Licensing Policy Committee recommended that the following areas of land are proposed for inclusion within the special policy area as part of the next review of Licensing Policy:
 - a) The undeveloped land at corner of Egerton Road and Clifton Avenue; and
 - b) The land at the rear of the Ram and Shackle including the Ram Lodge
- 5.2 Therefore, these areas shall be incorporated within the public consultation arising from this proposed review of the Licensing Policy.

6. Consultation Proposals

- 6.1 It is proposed a targeted 6-week consultation period is conducted on the proposed revisions, as below.
- 6.2 In relation to the special policy for the Withington Stress Area, it is proposed to directly consult the licence holders within the proposed Stress Area, as well as anybody who responded to the original consultation.
- 6.3 In relation to the extension of boundary of the existing special policy for Fallowfield/Wilmslow Road, to incorporate *(1) the undeveloped land at corner of Egerton Road and Clifton Avenue, and (2) the land at the rear of the Ram and Shackle including the Ram Lodge*, it is proposed to directly consult the affected landowners of the respective land or property.
- 6.4 The consultation shall also be made available on the Council’s website. Any statutory consultees identified in the Licensing Act 2003 shall also be consulted directly.

7. Conclusion

7.1 The Committee is asked to consider and approve:

- (i) the proposed changes to the Policy as set out at Sections 3, 4 and 5 of the report, and
- (ii) the proposed consultation process as set out at Section 6 of the report.

8. Other legal implications

8.1 There are no other legal implications to consider.

9. 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 proposed Special Licensing Policy will play an essential role in establishing that only such premises that are able to demonstrate that they shall not add to existing cumulative impact shall be licensed in the special policy areas, which will positively contribute to the economy of the region and sub-region.

(b) Reaching full potential in education and employment

Licensed premises offer employment and training opportunities for local people, particularly those who are young.

(c) Individual and collective self-esteem – mutual respect

(d) Neighbourhoods of Choice

The proposed Special Licensing Policy will play an essential role in establishing that only those premises that are able to demonstrate that they shall not add to existing cumulative impact shall be licensed in the affected areas, thereby ensuring the promotion of the licensing objectives, namely 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

Licensing Policy Committee

Minutes of a meeting held on 21 January 2013

Acting under Delegated Powers

Present: Councillor N Murphy – In the Chair.
Councillors Chohan and Royle

Apologies: Councillors Carmody, Hitchen and Lewis

LP/13/01 Minutes

Decision

To approve as a correct record the Minutes of the meeting held 9 November 2012.

LP/12/02 Review of the Impact of Licensed Premises in Fallowfield - Consultation Analysis

Consideration was given to the report of the Strategic Director of Neighbourhood Services that presented the Committee with the results of the public consultation on the proposed special policies in the areas of Fallowfield, Old Moat, Withington and Levenshulme wards. The report requested the Committee to consider whether any such special policies should be recommended to full Council to be adopted.

The report provided members with an analysis of responses to the consultation exercise that was undertaken between 1 June 2012 and 24 August 2012. The exercise sought views from all holders of premises licences and club premises certificates within the boundaries of the proposed areas, local resident associations, Ward Members and trade representatives. Opinion and comment was invited on:

- Whether there should be a special policy for the identified areas
- The boundary of any areas for which a special policy should have effect
- The extent of the special policy in any such areas

Decision

1. The Committee recommend to Council that they adopt the special policy as detailed at Appendix 8 of the report for incorporation within the Council's Statement of Licensing Policy.

2. The Committee request that the following areas of land are proposed for inclusion within the special policy area as part of the next review of Licensing Policy:

a) The undeveloped land at corner of Egerton Road and Clifton Avenue.

b) The land at the rear of the Ram and Shackle including the Ram Lodge.

3. The Committee requested officers undertake a 6 monthly review of levels of alcohol-related crime, general crime and antisocial behaviour, in both the special policy area and Withington.

4. The Committee requested that officers obtain further independent legal advice in respect of a Cumulative impact policy for Withington and to report back to the Licensing policy Committee before the end of April 2013.

Special Licensing Policy – Withington Stress Area

There is evidence that the promotion of the licensing objectives within an identified area of Withington is being undermined as a consequence of the operation of licensed premises in the area; having regard to the complaints of local residents and the levels of crime and disorder and public nuisance experienced within it.

The licensing authority considers that although the levels of problems do not currently justify the implementation of a cumulative impact and saturation policy for the area; the area is of concern and shall be kept under review. Therefore, the Council has adopted a special policy for the area, which shall be known as the Withington Stress Area, and is identified on the map at Appendix 8 of this Licensing Policy.

Withington is a residential area which, if not carefully planned, may attract late night alcohol-led venues which cannot set up in Fallowfield due to a CIP there. It is noted that while Withington suffers less ASB than Fallowfield, there is evidence of problems associated with operation of licensed premises in Withington and the licensing authority does not wish to see an increase in ASB. However, the authority does wish to diversify the leisure economy in Withington. With this in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken:

	Closing time	Approach
Non-alcohol led venues (excluding hot food takeaways)	Up to Midnight	Strongly encouraged provided that they do not harm the licensing objectives.
Non-alcohol led venues (excluding hot food takeaways)	Beyond midnight	Discouraged, unless strict compliance with set criteria can be shown. Positive proposals for the promotion of the licensing objectives from departing customers must also be demonstrated in the operating schedule.

	Closing time	Approach
Alcohol-led venues (on-licence)	Up to 11.30pm	<p>Judged according to set criteria.</p> <p>Positive proposals for the promotion of the licensing objectives, including from departing customers, must also be demonstrated in the operating schedule.</p> <p>A stricter approach is likely to be taken where customers are not seated at tables and/or where a substantial food offer is not available at all times the premises are open</p>
Alcohol-led venues (on-licence)	Beyond 11.30pm	<p>Strong presumption against.</p> <p>A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.</p>
Hot food Takeaway premises	All	<p>Strong presumption against.</p> <p>A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.</p>
Alcohol led venues (off licence)	All	<p>Strong presumption against.</p> <p>A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives.</p>

Key Factor 4, (“Standard to Promote the Licensing Objectives”) sets out many measures that the licensing authority considers to be appropriate in order to ensure the promotion of the licensing objectives.

Having regard to the issues within the Withington Stress Area the Licensing Authority has also set out particular measures that it expects operators to pay special attention to in order to ensure their operation will not add to the problems within this area. Operators are no

required to do so, but where the authority's discretion is engaged, any applications which fail to address all appropriate measures may be refused or have conditions applied to comply with the policy measures.

These measures shall be considered in conjunction with the policy approach set out above and may be more or less appropriate depending on the style of operation applied for. Applicants are not limited to only these proposed measures and should propose all measures they consider appropriate in the promotion of the licensing objectives.

The measures are set out as follows:

Ref:	Measure to be addressed	Criteria
CD2	The effective management of queues outside the premises	A documented policy addressing how queues outside of the premises will be managed to prevent any nuisance or disorderly behaviour.
CD3	The control of entry to and exit from the premises, including assessing the need for door supervisors	A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors shall be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times. Written records to be kept of any door supervisors on duty. Positive consideration will be given to the use of Approved Contractor Scheme (ACS) security companies.
CD6	Designing out crime in the layout of the premises	Positive consideration will be given to the commissioning a Licensing Impact Statement (by Design for Security) and operation of the premises in line with the recommendations of that report
CD9	Implementation of documented reporting procedures at the premises	Documented records to be kept in respect of: <ul style="list-style-type: none"> ▪ Lost and found property ▪ Refused sales of alcohol ▪ Thefts ▪ Banned and ejected persons ▪ Injuries ▪ Complaints and any remedial action taken

Ref:	Measure to be addressed	Criteria
CD11 CH8	Provision of comprehensive documented staff training	<p>Documented staff training conducted in respect of:</p> <ul style="list-style-type: none"> ▪ Preventing underage sales ▪ Preventing drunkenness ▪ Managing and resolving conflict ▪ Emergency procedures ▪ Compliance with the licence conditions ▪ Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol ▪ Identification and refusal of underage sales <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ Use of accredited training course and recognised industry qualifications (e.g. BII)
CD12	Implementation of effective measures to prevent and deal with drunkenness at the premises	<p>A documented policy in relation to preventing and managing drunkenness on the premises.</p> <p>Access to the premises should not be permitted to any person who is visibly intoxicated.</p> <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables ▪ Substantial food being available at all times ▪ Use of the Responsible Alcohol Service Guide ▪ Displaying responsible drinking information and posters throughout the premises ▪ Ensuring alcohol-free options are readily available ▪ Making appropriate arrangements

Ref:	Measure to be addressed	Criteria
		<p>to ensure the safe transport home if vulnerable customers</p> <ul style="list-style-type: none"> ▪ Training of staff in the Responsible Alcohol Service Award
CD13	Ensuring only responsible drinks promotions are operated at the premises	<p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ Voluntary restriction of high strength alcohol (i.e. high ABV beers and cider) ▪ No promotional activity resulting in a minimum unit price of less than 50p
CD14	Effective monitoring of the premises (both interior and exterior) including the use of CCTV	A digital CCTV system installed in conjunction with any specification or recommendations of Greater Manchester Police.
CD15	Ensuring all alcohol sales are properly authorised	Positive consideration will be given to there being at least one personal licence holder on duty on the premises at all times it is open to the public.
CD17	Operation of a documented glass policy for the premises	A documented risk assessment in respect of the use of glassware on the premises. Where appropriate plastic or polycarbonate drinking vessels shall be used, especially in outdoor areas or after specified hours.
PS1	Maintaining a safe capacity and recording customer numbers	The maximum occupancy of the premises should be prominently displayed at the entrance to the premises and appropriate measures put in place to ensure the capacity is not breached.
PS6	Operation of a documented glass collection and spillage policy	A documented policy to ensure that drinking vessels are not left unattended and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas.
PN1	Prevention of noise breakout from the premises	Systems to ensure that any noise from the premises, especially regulated entertainment, does not cause disturbance to neighbouring properties, particularly local residents.

Ref:	Measure to be addressed	Criteria
PN3	Communication and integration with local residents and businesses	<p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ Participation in any community local initiatives ▪ Communication with local residents and groups, ▪ Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems ▪ Hosting of meetings with local residents to troubleshoot issues associated with the premises
PN4	Effective management of exterior spaces (e.g. beer gardens, smoking areas)	<p>Policies in place in relation to:</p> <ul style="list-style-type: none"> ▪ Supervision arrangements ▪ How such areas will be kept clean and free of litter, particularly at the end of trading ▪ Avoiding customers causing noise disturbance
PN5	Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter	<p>Systems in place to ensure the premises and surrounding area are kept clean and free of litter at all times the premises is open to the public, and at the close of trade.</p> <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ Contribution (including financial) to any community local initiatives or infrastructure ▪ Cleaning initiatives beyond the immediate vicinity of the premises
PN6	Responsible management of the use of flyers and other promotional material	<p>The distribution of flyers shall only be conducted in accordance with the terms of the requisite permit to distribute free printed material issued by the council.</p> <p>Flyers should not be posted at unsolicited residential addresses.</p>

Ref:	Measure to be addressed	Criteria
PN9	Prevention of customers causing disturbance when leaving the premises	<p>Policies for the dispersal of customers to ensure orderly conduct and minimise disturbance.</p> <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ Supervision of customers leaving including preventing customers congregating outside ▪ Use of a winding-down period ▪ Providing a dedicated taxi/private hire calling service, which operates a call back facility
PN10	Membership of any local Pub and Club Network/Off Licence Forum or other recognised partnership group	<p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ Participation in the local Pubwatch scheme ▪ Support of any local resident / community schemes including the voluntary hosting of meetings
CH4	Taking action to prevent proxy sales of alcohol from the premises	Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences.
CH7	Prevention of underage sales of age-restricted products and underage persons access	<p>The operation of Challenge 21 (on-licence) or Challenge 25 (off-licence) with acceptable forms of ID</p> <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ The use of till prompts ▪ Operation of mystery shopper exercises at own expense

The special policy shall apply to all new and material variation applications within the Withington Stress Area. In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

Each application will be considered on its individual merits.

Departure from policy is expected only in exceptional circumstances.

Exceptional circumstances will not include the quality of management or size of venue.

Applicants will be expected to have particular regard to all Key Factors of this Statement of Licensing Policy.

The Special Policy Area will be kept under review and where problems of crime and disorder or public nuisance are not improving, or are worsening, the policy will be reviewed.

Manchester Statement of Licensing Policy

2011–~~2014~~2016

Revised ~~30 January~~April 2013

Contents

Foreword by Leader	5
1 Introduction	6
Integration with other Strategies	7
Community Strategy.....	7
Neighbourhood Focus Strategy	7
Cultural Strategy	8
Manchester Crime Reduction Strategy	8
The Manchester Alcohol Strategy	8
The Core Strategy.....	9
Contributing to achieving wider aspirations.....	9
Promoting the Licensing Objectives in Manchester	10
Purple Flag.....	10
Pubwatches and Off-licence Forums	11
Best Bar None.....	12
Consultation for the Licensing Policy	12
The Licensing Committee and its delegation of functions	12
Implementation of this Statement of Licensing Policy.....	12
Duplication with other regulatory regimes	13
2 Guide to Manchester’s Licensing Policy	14
Operation of the Policy.....	16
Departures from the Policy.....	17
3 The Licensing process	18
Licensable activities and the Licensing Objectives	18
Making a representation.....	21
Reviews.....	21

Considerations of impact within the vicinity of licensed premises	22
Integration with Planning	22
The need for licensed premises	23
The cumulative impact of concentrations of licensed premises	23
4 Special Policy Areas	25
Cumulative impact and saturation policy in respect of Fallowfield/Wilmslow Road ..	25
Special Policy in respect of Withington Stress Area	27
5 The Key Factors.....	37
6 What we aim to encourage (KF1)	39
7 The location of licensed premises (KF2).....	40
Aspirations for our neighbourhoods	41
8 Hours for licensed premises (KF3).....	42
9 Standards to promote the licensing objectives (KF4).....	43
The prevention of crime and disorder	44
Public safety	49
The prevention of public nuisance	51
The protection of children from harm	54
10 Off-sales of alcohol (KF5)	56
11 Adult entertainment (including striptease, nudity and other entertainment of a sexual nature).....	57
12 The use of tables and chairs on the public highway	58
13 Premises Licences for large-scale public events	59
14 Personal Licences.....	62
15 Temporary Event Notices.....	63
Standard Temporary Event Notices	63
Late Temporary Event Notices.....	65
16 Designated Premises Supervisors	68
17 Enforcement and monitoring	69
Suspension for Non Payment of Fees	69

Ability to re-instate conditions relating to Live Music upon Review	70
18 Minor variations.....	71
19 Film classifications	73
Appendices	74
Appendix 1: The Licensing Unit and Responsible Authorities	75
Appendix 2: Relevant information for residents and other persons	79
Appendix 3: Mandatory Conditions	84
Appendix 4: Disapplication of Mandatory Conditions for Community Premises	86
Appendix 5: Delegation of functions	93
Appendix 6: Glossary	95
Appendix 7: Map of the Fallowfield/Wilmslow Road area to which a Special Policy applies	104
Appendix 8: Map of the Withington Stress area to which a Special Policy applies.....	105

Foreword by Leader

This is the fourth revision of Manchester City Council's Licensing Policy since the Licensing Act 2003 came into effect in November 2005.

In setting out our vision for licensed premises in Manchester, we recognise the impacts that licensed premises can have, particularly within our neighbourhoods. Consequently, in this revision, we have identified particular areas of Manchester that will be subject to special policy approaches to ensure the balance can be maintained between the leisure economy and the needs of our communities.

We have consistently emphasised the need to ensure that licensed premises in Manchester contribute positively to their local community by upholding four objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm. These four objectives underpin the regulation of licensed premises and we will continue to ensure that they are adhered to.

The core of the Policy remains the same and based upon the Key Factors we consider important in helping us to achieve this vision. Through proper consideration at the application stage, and by ensuring that premises operate responsibly, we will ensure that licensed premises have a positive impact in neighbourhoods throughout Manchester as well as the city centre.

This revision also updates our Policy to ensure consistency with the changes to the Licensing Act 2003 introduced through the Police Reform and Social Responsibility Act 2012 and Live Music Act 2012.

We are committed to continue partnership working in achieving the promotion of the licensing objectives. Our licensing policy aims to support well-run, family-friendly establishments that contribute to making and keeping our neighbourhoods places in which people want to live, work and relax. In doing this, we can also uphold Manchester's reputation as a top European and international destination with a safe, vibrant and varied nightlife.

Richard Leese

Leader of the Council

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~~ [persons](#) ~~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 Manchester's Licensing 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 ~~8-6~~ 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 While 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 antisocial 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 [subregionsub 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 premises will be licensed only if they 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 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 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
- Proactive monitoring of licensed premises
- Test purchase operations
- Weekly multi-agency meetings
- The establishment of Designated Public Place Orders where, following a direction from a police officer, alcohol may not 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 Marshal 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

Purple Flag

1.26 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.

1.27 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

1.28 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 10 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 8 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 7 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.

1.29 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

1.30 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

1.31 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.

[FS1] Consultation for the Licensing Policy

1.32 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
- f) such other persons as the licensing authority considers to be representative of businesses and residents in its area

The Licensing Committee and its delegation of functions

1.33 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 subcommittee constituting of three members of the Licensing Committee at a hearing.

1.34 Full details of the delegation structure for the Licensing Committee are contained at Appendix 5.

Implementation of this Statement of Licensing Policy

1.35 This Licensing Policy took effect from “ ”. It will be formally reviewed in accordance with any Government regulations – currently every five 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.

Duplication with other regulatory regimes

1.36 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.

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 that support the neighbourhood plan
 - Diversity of entertainment throughout the city that 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. After careful consideration, the Council has set out special policies in respect of specific areas of the city in Section 4, which is consistent with achieving this goal.
- 2.4 Manchester City Council, as the licensing authority, is committed to ensuring that licensed premises are an asset to their locality and 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 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 Where an application is located within a Special Policy area (Section 4), all parties are expected to have due regard to it. The licensing authority's discretion to determine the application shall be engaged upon the receipt of relevant representations and the respective Special Policy shall be the starting point when doing so. No special policy is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the special policy in light of the individual circumstances of the case. Where no representations are received for an application within a special policy area, the application will be granted as applied for.

2.16 Irrespective of any special policy, all applications for new licences or material variations, shall be considered with regard to the Key Factors.

~~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.~~

2.162.17 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.

2.172.18 The general policy is to attach conditions consistent with the Key Factors, when considered by the licensing authority to be necessary–appropriate 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.

2.19 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 capable of being met; and
- be appropriate for the promotion of the Licensing Objectives.

2.182.20 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.

2.192.21 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.

~~2.202.22 Interested Parties and All persons, including~~ Responsible Authorities ~~are~~ 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

~~2.212.23~~ 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.

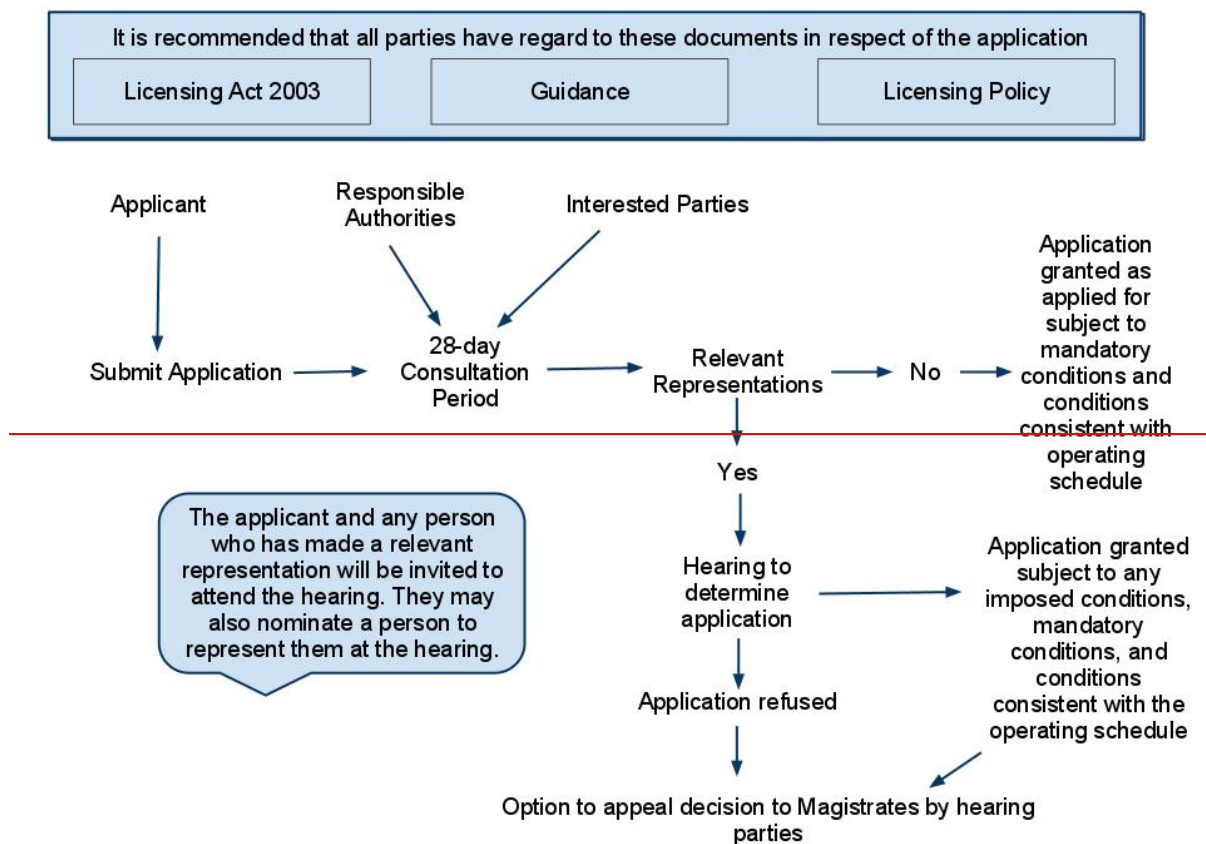
3 The Licensing process

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 premises to provide any of the above activities, the operator must obtain authorisation from Manchester 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 (among 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 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, ~~any person or~~ the Responsible ~~Authority~~~~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 relevant representations from any person or Responsible ~~Authority~~~~Authorities or interested parties~~, then the licensing authority must grant the application, subject only to

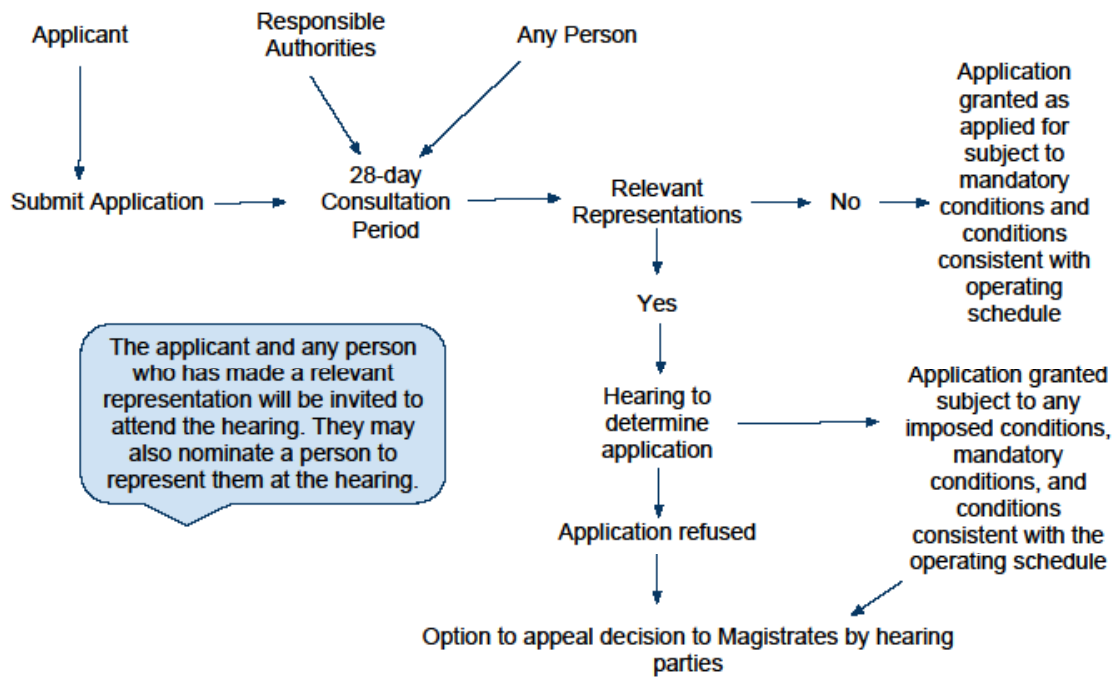
conditions that are consistent with the operating schedule and relevant mandatory conditions.

- 3.10 Where relevant representations are received in respect of an application, it will be determined at a hearing by a subcommittee of three 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 subcommittee.
- 3.11 All applications will be considered on their own merit.
- 3.12 Following such a hearing, the Licensing Subcommittee can:
 - (a) Grant the application as applied for; or
 - (b) Grant the application with restricted licensable activities/hours than those applied for and/or impose additional conditions, where considered **necessary appropriate** for the promotion of the Licensing Objectives; or
 - (c) Refuse the application
- 3.13 There is a right of appeal to the Magistrates’ Court against the decision of the Licensing Subcommittee by any party to the original hearing.



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

Licensing Act 2003	Guidance	Licensing Policy
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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:
- (a) that are made by ~~either any person or a~~ Responsible Authority ~~or Interested Party~~
 - (b) that are made in writing to the licensing authority
 - (c) that are received by the licensing authority no later than 28 days after the date the application was made (ten 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
 - (e) must not (in the case of ~~Interested Parties~~ any person who is not a Responsible Authority) 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, any person a or 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~~ any person who is not a Responsible Authority), 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 Subcommittee.
- 3.22 At a Review, the licensing authority must take the following steps (if any) where such steps are considered appropriate, and therefore necessary for the promotion of the Licensing Objectives:
- (a) modify the conditions of the licence
 - (b) exclude a licensable activity from the scope of the licence
 - (c) remove the designated premises supervisor

- (d) suspend the licence for a period not exceeding three months
 - (e) 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 Subcommittee 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 While 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 occur '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 antisocial 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 rerun 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 that 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 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 number 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 antisocial 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 antisocial 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~~any person to seek a review of the licence or certificate in question
- Other local initiatives that similarly address these problems.

4 Special Policy Areas

Cumulative impact and saturation policy in respect of Fallowfield/Wilmslow Road

3.354.1 The special cumulative impact and saturation policy shall apply to the geographical area identified on the map at Appendix **9-7** of this Licensing Policy.

3.364.2 The Council has received satisfactory evidence (considered by the Licensing Policy Committee at its meeting on 21 January 2013 and Council on 30 January 2013) that the cumulative impact of licensed premises in the geographical area identified on the map at Appendix **9-7** is undermining the promotion of the Licensing Objectives in relation to crime and disorder and public nuisance. The Council has taken into consideration the contents of the ‘Review of the Impact of Licensed Premises in Fallowfield – Consultation Analysis’ Licensing Policy Committee Report dated 21 January 2013, and determined the special policy should be implemented as proposed in that report. The reasons for this policy approach, originally set out at Section 8 of that report, are set out below:

‘The predominant concentration of licensed premises is within the Fallowfield area. This area suffers from the greatest levels of crime (both general and alcohol-related) compared to surrounding areas, which is demonstrated in the Cumulative Impact Analysis (Appendix 5 of The Review of the Impact of Licensed Premises in Fallowfield and Withington considered by the Licensing Policy Committee on 19 March 2012). The levels of crime recorded with an alcohol marker have risen annually between 2009 and 2011, of which there is the strongest concentration in the late evening and early hours of the morning. The degree of ASB recorded in the area is also significantly disproportionate compared to the rest of the former B & C policing divisions, since conjoined to form the E Division. Between 2009 and 2011, the average rate of ASB per square kilometre in the E Division was 343 incidents per square kilometre compared to an average of 2,180 incidents per square kilometre in Fallowfield. Similarly, ASB levels peak during the late night/early morning, and correlate with the closing times of alcohol-led licensed premises.

The complaints from local residents of antisocial behaviour, received both prior to and in response to the policy consultation, repeatedly cite problems of noise, vandalism and antisocial behaviour from persons going out to and returning from licensed premises, including complaints of preloading and drunkenness. Additionally, there was evidence of litter caused as a result, including discarded alcohol containers and takeaway wrappers in the street. Extra street cleaning services are required in the local area as a result of the disproportionate levels of litter, particularly caused by the high numbers of late night takeaways in Fallowfield. Problems of preloading en route to licensed premises persist despite the existence of a Designated Public Place Order for Fallowfield. Therefore, the policy in Fallowfield aims to prevent further alcohol-related crime and antisocial behaviour arising in the area from the customers of licensed premises (including any premises that might act as a flashpoint), particularly during such hours with higher levels of crime, antisocial behaviour and hours likely to affect the ability of local residents to get a good night’s sleep.

Additionally, the policy aims to prevent premises that are likely to contribute to litter problems in the area, particularly in relation to preloading en route to licensed premises, and hot food takeaway wrappers at the end of the night.

Within the Wilmslow Road area, there are far fewer licensed premises. However, alcohol-related crime has continued to rise between 2009 and 2011. Given the area's direct proximity to Fallowfield as well as having regard to the similar nature of existing premises in Wilmslow Road to those in Fallowfield, it is correct that this area is also covered under the policy. This approach is also strongly supported in the responses received regarding the public consultation, which cite similar problems to those experienced in Fallowfield. The aims of the policy are to reduce levels of crime and antisocial behaviour within the areas, especially those that are alcohol-related and during the early hours of the morning. The reasons for this approach are set out above and supported by the evidence presented at Appendices 2–10 in the Review of the Impact of Licensed Premises in Fallowfield and Withington considered by the Licensing Policy Committee on 19 March 2012 and responses to the public consultation. These aims will support the Aspirations for our Neighbourhoods as set out in Section ~~78~~ of the Council's Statement of Licensing Policy 2011–14.'

3.374.3 The Council has therefore adopted a special policy in respect of the specified area.

3.384.4 The effect of the special policy is that the Council will refuse applications for a new Premises Licence or club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representation, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

3.394.5 In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

3.404.6 The special policy applies to all licensable activities.

3.414.7 Applicants in respect of premises located in the geographical area defined above will need to address the implications of the special policy in their operating schedule in order to rebut this presumption.

3.424.8 The special policy does not relieve Responsible Authorities or ~~interested parties~~other persons of the need to make relevant representations in relation to individual applications. Before the Council can lawfully consider giving effect to its special policy a relevant representation must have been made, if no representation is received it remains the case that any application must be granted in terms that are consistent with the operating schedule and any relevant mandatory licensing conditions.

3.434.9 All Responsible Authorities and ~~interested parties~~other persons may refer, where appropriate in their representation, to the evidence considered by the Council in the adoption of this special policy.

3.444.10 The Council will not use this special policy as grounds for revoking an existing licence or certificate when relevant representations are received about problems with those premises.

3.454.11 The special policy does not include provisions for terminal hours in respect of premises in the areas identified in Appendix 97, nor does it impose quotas on the number of licensed premises permitted or the capacity of those premises.

3.464.12 The Council will regularly review the special policy in place.

Special Policy in respect of Withington Stress Area

4.13 There is evidence that the promotion of the licensing objectives within an identified area of Withington is being undermined as a consequence of the operation of licensed premises in the area; having regard to the complaints of local residents and the levels of crime and disorder and public nuisance experienced within it.

4.14 The licensing authority considers that although the levels of problems do not currently justify the implementation of a cumulative impact and saturation policy for the area; the area is of concern and shall be kept under review.

4.15 Therefore, the Council has adopted a special policy for the area, which shall be known as the Withington Stress Area, and is identified on the map at Appendix 8 of this Licensing Policy.

4.16 Withington is a residential area which, if not carefully planned, may attract late night alcohol-led venues which cannot set up in Fallowfield due to a CIP there. It is noted that while Withington suffers less ASB than Fallowfield, there is evidence of problems associated with operation of licensed premises in Withington and the licensing authority does not wish to see an increase in ASB. However, the authority does wish to diversify the leisure economy in Withington. With this in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken:

	<u>Closing time</u>	<u>Approach</u>
<u>Non-alcohol led venues (excluding hot food takeaways)</u>	<u>Up to Midnight</u>	<u>Strongly encouraged provided that they do not harm the licensing objectives.</u>

	<u>Closing time</u>	<u>Approach</u>
<u>Non-alcohol led venues (excluding hot food takeaways)</u>	<u>Beyond midnight</u>	<p><u>Discouraged, unless strict compliance with set criteria can be shown.</u></p> <p><u>Positive proposals for the promotion of the licensing objectives from departing customers must also be demonstrated in the operating schedule.</u></p>
<u>Alcohol-led venues (on-licence)</u>	<u>Up to 11.30pm</u>	<p><u>Judged according to set criteria.</u></p> <p><u>Positive proposals for the promotion of the licensing objectives, including from departing customers, must also be demonstrated in the operating schedule.</u></p> <p><u>A stricter approach is likely to be taken where customers are not seated at tables and/or where a substantial food offer is not available at all times the premises are open</u></p>
<u>Alcohol-led venues (on-licence)</u>	<u>Beyond 11.30pm</u>	<p><u>Strong presumption against.</u></p> <p><u>A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.</u></p>
<u>Hot food Takeaway premises</u>	<u>All</u>	<p><u>Strong presumption against.</u></p> <p><u>A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.</u></p>

	<u>Closing time</u>	<u>Approach</u>
<u>Alcohol led venues (off licence)</u>	<u>All</u>	<u>Strong presumption against. A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives.</u>

4.17 Key Factor 4, (“Standard to Promote the Licensing Objectives”) sets out many measures that the licensing authority considers to be appropriate in order to ensure the promotion of the licensing objectives.

4.18 Having regard to the issues within the Withington Stress Area the Licensing Authority has also set out particular measures that it expects operators to pay special attention to in order to ensure their operation will not add to the problems within this area. Operators are not required to do so, but where the authority’s discretion is engaged, any applications which fail to address all appropriate measures may be refused or have conditions applied to comply with the policy measures.

4.19 These measures shall be considered in conjunction with the policy approach set out above and may be more or less appropriate depending on the style of operation applied for. Applicants are not limited to only these proposed measures and should propose all measures they consider appropriate in the promotion of the licensing objectives.

4.20 The measures are set out as follows:

<u>Ref:</u>	<u>Measure to be addressed</u>	<u>Criteria</u>
<u>CD2</u>	<u>The effective management of queues outside the premises</u>	<u>A documented policy addressing how queues outside of the premises will be managed to prevent any nuisance or disorderly behaviour.</u>

<u>Ref:</u>	<u>Measure to be addressed</u>	<u>Criteria</u>
<u>CD3</u>	<u>The control of entry to and exit from the premises, including assessing the need for door supervisors</u>	<p><u>A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors shall be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times.</u></p> <p><u>Written records to be kept of any door supervisors on duty.</u></p> <p><u>Positive consideration will be given to the use of Approved Contractor Scheme (ACS) security companies.</u></p>
<u>CD6</u>	<u>Designing out crime in the layout of the premises</u>	<u>Positive consideration will be given to the commissioning a Licensing Impact Statement (by Design for Security) and operation of the premises in line with the recommendations of that report</u>
<u>CD9</u>	<u>Implementation of documented reporting procedures at the premises</u>	<p><u>Documented records to be kept in respect of:</u></p> <ul style="list-style-type: none"> ▪ <u>Lost and found property</u> ▪ <u>Refused sales of alcohol</u> ▪ <u>Thefts</u> ▪ <u>Banned and ejected persons</u> ▪ <u>Injuries</u> ▪ <u>Complaints and any remedial action taken</u>
<u>CD11</u> <u>CH8</u>	<u>Provision of comprehensive documented staff training</u>	<p><u>Documented staff training conducted in respect of:</u></p> <ul style="list-style-type: none"> ▪ <u>Preventing underage sales</u> ▪ <u>Preventing drunkenness</u> ▪ <u>Managing and resolving conflict</u> ▪ <u>Emergency procedures</u> ▪ <u>Compliance with the licence conditions</u> ▪ <u>Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol</u>

<u>Ref:</u>	<u>Measure to be addressed</u>	<u>Criteria</u>
		<ul style="list-style-type: none"> ▪ <u>Identification and refusal of underage sales</u> <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ <u>Use of accredited training course and recognised industry qualifications (e.g. BII)</u>
<u>CD12</u>	<u>Implementation of effective measures to prevent and deal with drunkenness at the premises</u>	<p><u>A documented policy in relation to preventing and managing drunkenness on the premises.</u></p> <p><u>Access to the premises should not be permitted to any person who is visibly intoxicated.</u></p> <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ <u>The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables</u> ▪ <u>Substantial food being available at all times</u> ▪ <u>Use of the Responsible Alcohol Service Guide</u> ▪ <u>Displaying responsible drinking information and posters throughout the premises</u> ▪ <u>Ensuring alcohol-free options are readily available</u> ▪ <u>Making appropriate arrangements to ensure the safe transport home if vulnerable customers</u> ▪ <u>Training of staff in the Responsible Alcohol Service Award</u>
<u>CD13</u>	<u>Ensuring only responsible drinks promotions are operated at the premises</u>	<p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> ▪ <u>Voluntary restriction of high strength alcohol (i.e. high ABV beers and cider)</u> ▪ <u>No promotional activity resulting in a minimum unit price of less than 50p</u>

<u>Ref:</u>	<u>Measure to be addressed</u>	<u>Criteria</u>
<u>CD14</u>	<u>Effective monitoring of the premises (both interior and exterior) including the use of CCTV</u>	<u>A digital CCTV system installed in conjunction with any specification or recommendations of Greater Manchester Police.</u>
<u>CD15</u>	<u>Ensuring all alcohol sales are properly authorised</u>	<u>Positive consideration will be given to there being at least one personal licence holder on duty on the premises at all times it is open to the public.</u>
<u>CD17</u>	<u>Operation of a documented glass policy for the premises</u>	<u>A documented risk assessment in respect of the use of glassware on the premises. Where appropriate plastic or polycarbonate drinking vessels shall be used, especially in outdoor areas or after specified hours.</u>
<u>PS1</u>	<u>Maintaining a safe capacity and recording customer numbers</u>	<u>The maximum occupancy of the premises should be prominently displayed at the entrance to the premises and appropriate measures put in place to ensure the capacity is not breached.</u>
<u>PS6</u>	<u>Operation of a documented glass collection and spillage policy</u>	<u>A documented policy to ensure that drinking vessels are not left unattended and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas.</u>
<u>PN1</u>	<u>Prevention of noise breakout from the premises</u>	<u>Systems to ensure that any noise from the premises, especially regulated entertainment, does not cause disturbance to neighbouring properties, particularly local residents.</u>
<u>PN3</u>	<u>Communication and integration with local residents and businesses</u>	<u>Positive consideration will be given to:</u> <ul style="list-style-type: none"> ▪ <u>Participation in any community local initiatives</u> ▪ <u>Communication with local residents and groups,</u> ▪ <u>Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems</u> ▪ <u>Hosting of meetings with local residents to troubleshoot issues associated with the premises</u>

<u>Ref:</u>	<u>Measure to be addressed</u>	<u>Criteria</u>
<u>PN4</u>	<u>Effective management of exterior spaces (e.g. beer gardens, smoking areas)</u>	<p><u>Policies in place in relation to:</u></p> <ul style="list-style-type: none"> ▪ <u>Supervision arrangements</u> ▪ <u>How such areas will be kept clean and free of litter, particularly at the end of trading</u> ▪ <u>Avoiding customers causing noise disturbance</u>
<u>PN5</u>	<u>Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter</u>	<p><u>Systems in place to ensure the premises and surrounding area are kept clean and free of litter at all times the premises is open to the public, and at the close of trade.</u></p> <p><u>Positive consideration will be given to:</u></p> <ul style="list-style-type: none"> ▪ <u>Contribution (including financial) to any community local initiatives or infrastructure</u> ▪ <u>Cleaning initiatives beyond the immediate vicinity of the premises</u>
<u>PN6</u>	<u>Responsible management of the use of flyers and other promotional material</u>	<p><u>The distribution of flyers shall only be conducted in accordance with the terms of the requisite permit to distribute free printed material issued by the council.</u></p> <p><u>Flyers should not be posted at unsolicited residential addresses.</u></p>
<u>PN9</u>	<u>Prevention of customers causing disturbance when leaving the premises</u>	<p><u>Policies for the dispersal of customers to ensure orderly conduct and minimise disturbance.</u></p> <p><u>Positive consideration will be given to:</u></p> <ul style="list-style-type: none"> ▪ <u>Supervision of customers leaving including preventing customers congregating outside</u> ▪ <u>Use of a winding-down period</u> ▪ <u>Providing a dedicated taxi/private hire calling service, which operates a call back facility</u>

<u>Ref:</u>	<u>Measure to be addressed</u>	<u>Criteria</u>
<u>PN10</u>	<u>Membership of any local Pub and Club Network/Off Licence Forum or other recognised partnership group</u>	<u>Positive consideration will be given to:</u> <ul style="list-style-type: none"> ▪ <u>Participation in the local Pubwatch scheme</u> ▪ <u>Support of any local resident / community schemes including the voluntary hosting of meetings</u>
<u>CH4</u>	<u>Taking action to prevent proxy sales of alcohol from the premises</u>	<u>Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences.</u>
<u>CH7</u>	<u>Prevention of underage sales of age-restricted products and underage persons access</u>	<u>The operation of Challenge 21 (on-licence) or Challenge 25 (off-licence) with acceptable forms of ID</u> <u>Positive consideration will be given to:</u> <ul style="list-style-type: none"> ▪ <u>The use of till prompts</u> ▪ <u>Operation of mystery shopper exercises at own expense</u>

4.204.21 The special policy shall apply to all new and material variation applications within the Withington Stress Area. In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

4.214.22 Each application will be considered on its individual merits.

4.224.23 Departure from policy is expected only in exceptional circumstances.

4.234.24 Exceptional circumstances will not include the quality of management or size of venue.

4.244.25 Applicants will be expected to have particular regard to all Key Factors of this Statement of Licensing Policy.

4.254.26 The Special Policy Area will be kept under review and where problems of crime and disorder or public nuisance are not improving, or are worsening, the policy will be reviewed.

~~4 — Other Important Related Schemes~~^[FS2]

~~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.~~

~~6. **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 While 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 appropriate 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-appropriate~~ with respect to their individual circumstances.
- 5.10 The licensing authority expects licensees to implement all measures they consider ~~necessary-appropriate~~ 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-appropriate~~ 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 antisocial 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 antisocial 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 and 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 .
- 8.6 However, it is expected that hours for licensed premises will be particularly relevant having consideration of the location of the premises (Section 9). 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 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 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~~ appropriate 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 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~~ appropriate 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~~ All persons, including 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~~ appropriate and proportionate in order to promote the Licensing Objectives.
- 9.8 While 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 necessaryappropriate 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 necessaryappropriate to promote the Licensing Objectives.

CD1 Implementation of effective security measures at the premises

It is expected that there should be a defined policy that 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 that 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 door staff 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 they will be used** – Consideration for appropriate detection devices should be risk-assessed and employed as ~~necessary~~appropriate.
- 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 (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 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.tsdsocard.com)~~ [FS3]
- 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, e.g. 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).~~ installed in liaison with, and to a standard approved by, Greater Manchester Police.

CD15 Ensuring all alcohol sales are properly authorised

The licensing authority considers 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-holders to be on duty, e.g. 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~~appropriate. 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 necessaryappropriate to promote the public safety objective regarding 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 necessaryappropriate 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 necessaryappropriate 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 (predominantly 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 **necessaryappropriate** 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 **necessaryappropriate** 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 soundproofing 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 giving contact telephone numbers to local residents so they can report any issues to the premises for them to 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 the number of patrons in such areas
- whether there is a curfew on using them
- how they will be delineated, if relevant
- how will premises be kept clean and free of litter, particularly at the end of trading
- what supervision will be in place?
- will the premises be covered by CCTV?

- will glasses be allowed outside?
- what glass collection arrangements will be in place?
- how to avoid customers causing noise disturbance
- how the premises 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 flyers and other promotional material should be done in a responsible and appropriate manner. It should be noted that permits are required for handing out flyers 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 given to the management of glass bottles to prevent them being taken outside the premises as potential weapons, and to 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, e.g. 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 when they operate in the area.

The protection of children from harm

The licensing authority expects licensees to implement the measures they consider ~~necessary~~appropriate 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~~appropriate to promote the Licensing Objectives.

CH1 Risk assessment for when children are on the premises

Regard should be had to specific risks that may arise when children are 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 from accessing 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 regarding 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 proactive 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 underage 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), telephoning the Contact Centre for Social Care (0161 255 8250) 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 antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons 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 makes 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, 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, e.g. nudity, striptease and lap dancing.
- 11.2 For premises that wish to provide such entertainment, the Authority will also take into account the location of the premises in relation to its proximity to the following sensitive uses (in addition to the location factors in Section 7 (KF2)):
- housing and residential accommodation
 - schools, play areas, nurseries, children’s centres or other educational establishments
 - family shopping or leisure areas
 - places of worship
 - historic buildings or tourist attractions
 - other places where such entertainment takes place.
- 11.3 Additionally, the licensing authority expects licensees to consider additional measures in their operating schedule when applying to provide adult entertainment if they are considered necessary appropriate 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 Licensing Unit](#).
- 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, they 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 [necessaryappropriate](#).
 - 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 address 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 the 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 drawn up in consultation with the Traffic Subgroup 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, TfGM, 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 disposal of other waste
- Details of welfare arrangement facilities and provisions for information on site
- Details of the arrangements and facilities for disabled persons.

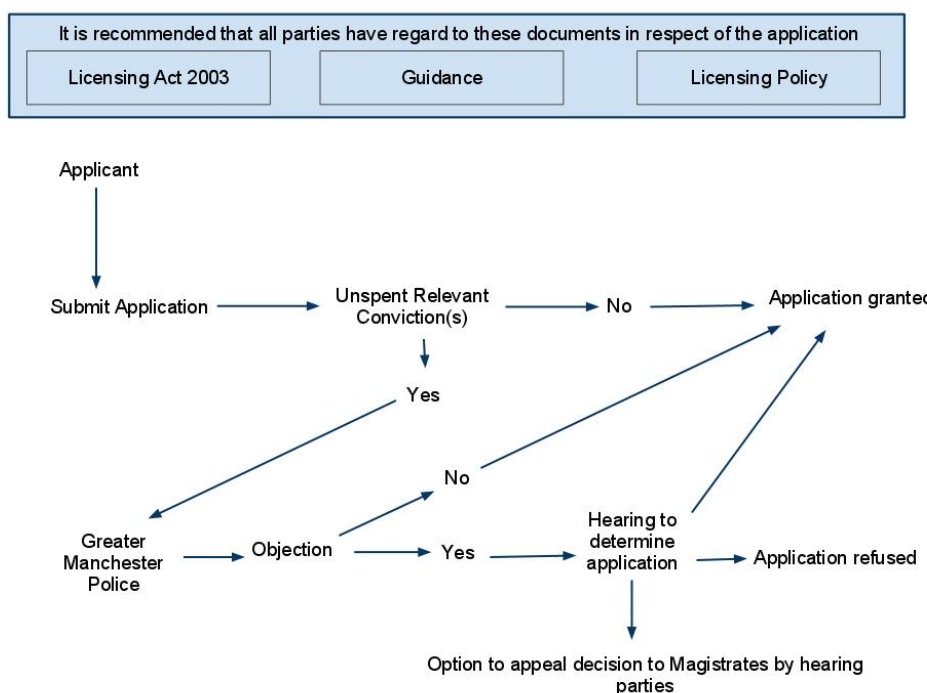
13.4 Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:

- Putting in place plans that 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 – while 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 leaving 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 for the local community that will enable residents and businesses to access sufficient detailed information prior to the event days
 - Providing a hotline and information phone number for 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 and 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 ten 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:
- 18 years or over
 - Possess an accredited licensing qualification
 - Must have not forfeited a Personal Licence in the past five years
 - 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 appropriate 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 that justify granting it.



15 Temporary Event Notices

15.1 Temporary Event Notices, commonly referred to as 'TENs', 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 and the council's Environmental Health function can intervene to prevent it taking place or agree modifications to the event arrangements.

15.3 TENs are subject to a number of defined limits and it is only when one of these is exceeded that the licensing authority can intervene and will return the notice as void. Otherwise, the licensing authority will just acknowledge the Notice, which may be done electronically.

15.4 A number of limitations on TENs 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 (168 hours or 7 days)
- the scale of the event in terms of the maximum number of people attending at any one time (less than 500).

15.5 There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes

- A standard TEN is given no later than 10 working days before the event to which it relates; and
- A late TEN is given not before 9 and not later than 5 working days before the event

Standard Temporary Event Notices

~~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 15.6 TENs 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 TENs 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 five 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)~~
- ~~□ the scale of the event in terms of the maximum number of people attending at any one time (less than 500).~~

~~15.5~~ 15.7 Standard Temporary Event Notices must be submitted to the licensing authority no less than ten 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 that 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~~ 15.8 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~~ 15.9 Greater Manchester Police and Environmental Health may object to a TEN within ~~48 hours of being notified~~ three working days of their receipt of the TEN. An objection can only be made on the grounds of ~~the Crime Prevention~~ any licensing objective. Where an objection is received (and not withdrawn) a hearing will be held to determine whether the event may proceed.

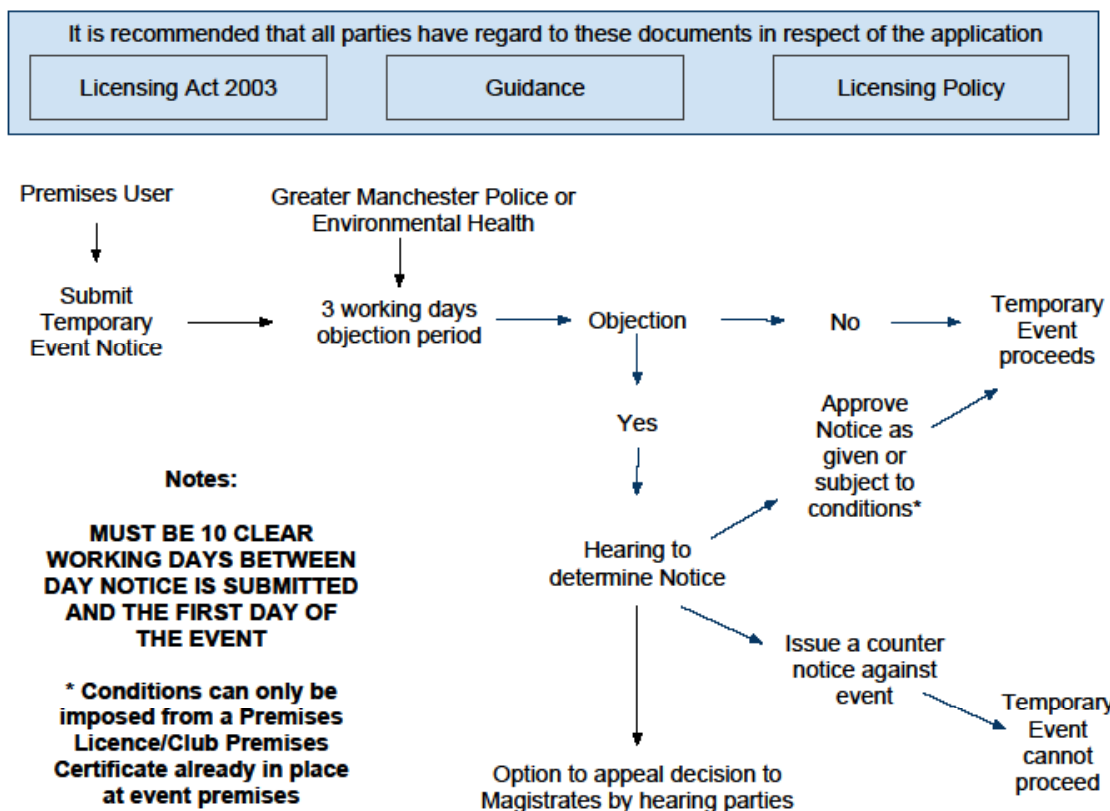
~~15.8~~ 15.10 The police or Environmental Health may withdraw their objection notice at any stage if the proposed premises user agrees to modify the proposal to meet their concerns. A copy of the modified Notice should then be given to the licensing authority by the police as proof of the agreement.

15.11 The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice.

15.12 Where the notice is in connection with licensable activities at a premises which already holds a premises licence or club premises certificate, the licensing authority may impose one or more of the conditions from that authorisation on the Temporary Event Notice (insofar as such conditions are not inconsistent with the event). Where the authority considers that this is appropriate for the promotion of the licence objectives, the policy is to give notice to the premises user which includes a statement of the conditions imposed. Copies of this notice will be provided to the police and Environmental Health.

~~15.9~~ 15.13 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the ~~crime prevention~~ licensing

objective^s, the policy is to issue a counter-notice against the Temporary Event Notice.



Late Temporary Event Notices

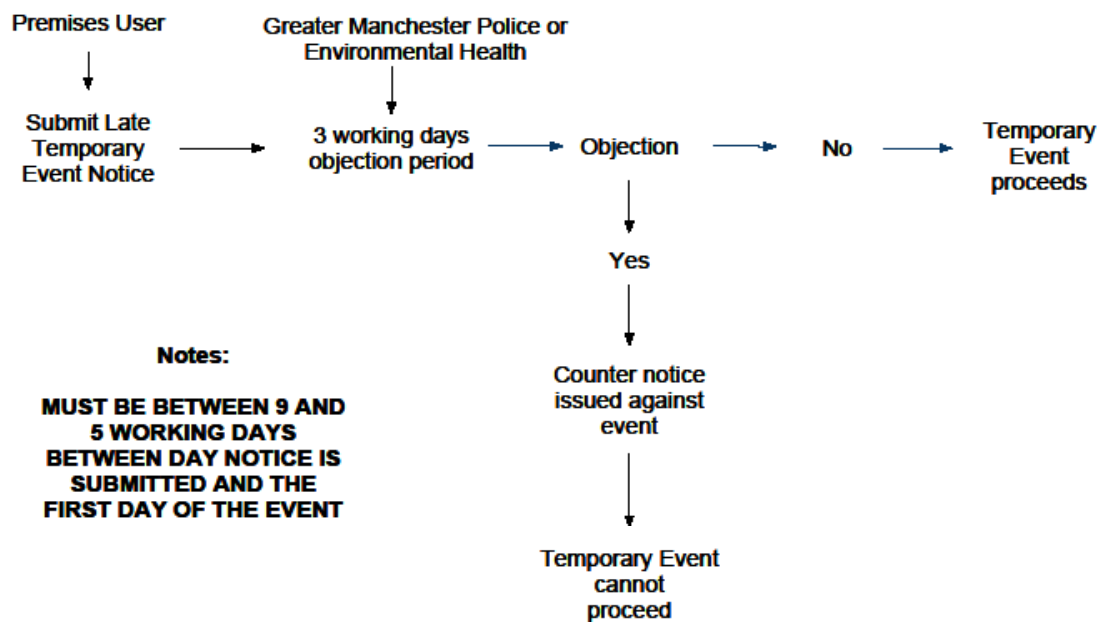
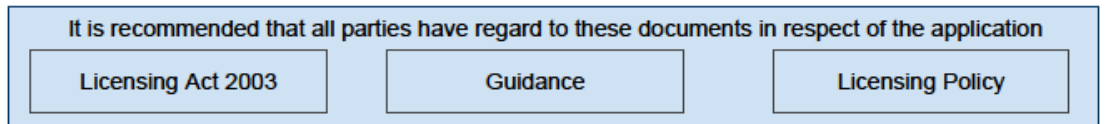
15.14 Late TENs are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice.

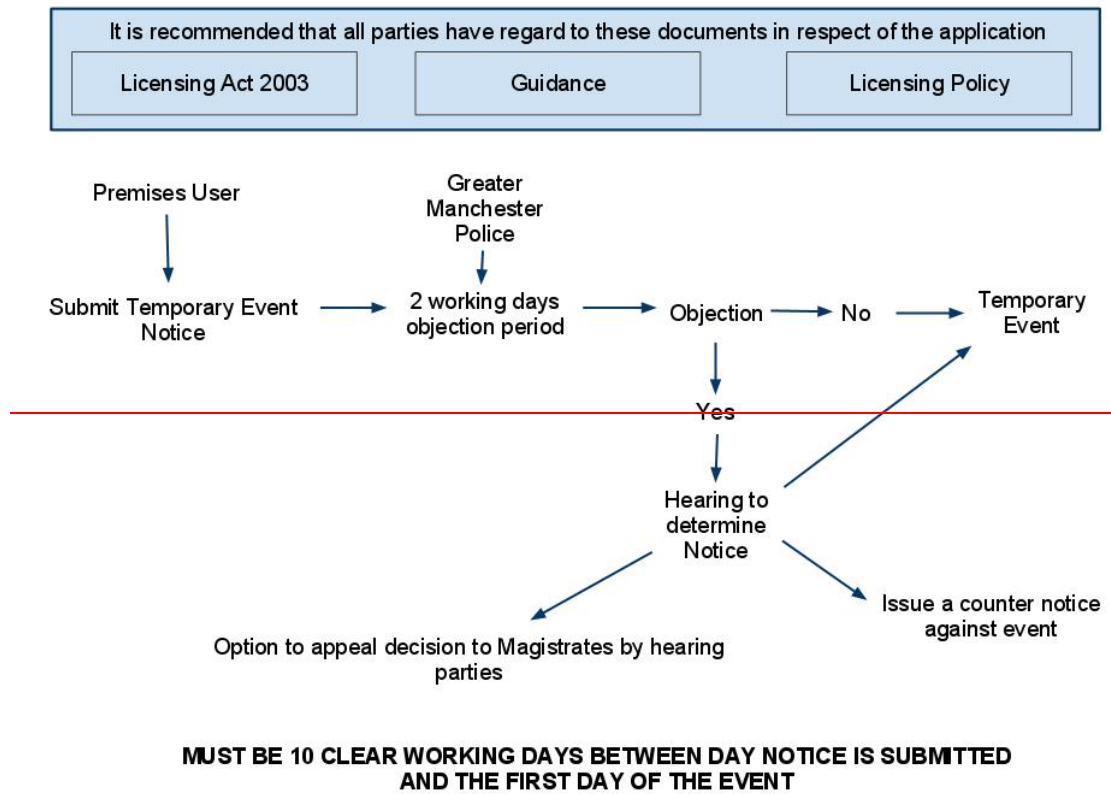
15.15 A maximum of 10 Late TENs per year can be submitted by a Personal Licence holder and 2 per year for other people). Late TENs also count towards the total maximum number of TENs permitted during a calendar year i.e. 50 per personal licence holder, 10 per non-personal licence holders. Where either of these limits has been reached, a counter notice will be issued if any more TENs are given.

15.16 ~~Standard~~ Late Temporary Event Notices must be submitted to the licensing authority no more than 9 working days and no less than 5 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 that is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. Working days' notice means working days exclusive of the day on which the event is to start, and exclusive of the day on which the TEN is given.

15.17 Greater Manchester Police and Environmental Health may object to a TEN within three working days of their receipt of the TEN. An objection can be made on the

grounds of any licensing objective. Where an objection is made, a counter notice will be issued the TEN will not be valid. It should be noted that this differs from the process for Standard TENs, which require any objection to be considered at a hearing.





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~~ appropriate that in the circumstances associated with 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 is 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 for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

Suspension for Non Payment of Fees

18.10 ~~17.10~~ The licensing authority is required to suspend a premises licence or club premises certificate if the annual fee has not been paid when it is due. Where a

premises licence or certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.

17.11 If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly by the Licensing Authority and given notice of the date the suspension shall take effect.

17.12 Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

Ability to re-instate conditions relating to Live Music upon Review

17.13 The Licensing Authority may reinstate or impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises, where it can be demonstrated that live music has undermined the promotion of the licensing objectives and such action is considered to be appropriate.

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 ten 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~~any other person (that is not a Responsible Authority) 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 or 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



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.

Licensing Authority

The Principal Licensing Officer
Licensing Team (Premises)
PO Box 271
Manchester
M18 8YU



www.manchester.gov.uk/la2003



premises.licensing@manchester.gov.uk



0161 234 1176



0161 274 7249 (Fax)

Greater Manchester Police

City Safe Licensing
Bootle Street Police Station
Bootle Street
Manchester
M2 5GU



www.gmp.police.uk






centrallicensing@gmp.police.uk



0161 856 3363

Greater Manchester Fire Authority

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

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

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




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

Public Health Authority

<u>Public Health Manchester</u>		<u>n/a</u>
<u>PO Box 532</u>		
<u>Town Hall</u>		<u>dast@manchester.gov.uk</u>
<u>Manchester</u>		
<u>M60 2LA</u>		<u>0161 234 3436</u>

Health and safety

Local Authority premises, hospital premises and some university premises

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

All other premises

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

Environmental Health

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




Planning

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

Trading Standards

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

Manchester Safeguarding Children Board

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

The Inland Navigation Authority

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

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

Appendix 2: Relevant information for residents and other **interested parties**persons

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~~Club Premises Certificates'.

Further useful information and guidance can be found on the Council's website at www.manchester.gov.uk/la2003 and also at <https://www.gov.uk/alcohol-licensing>~~the Department for Culture, Media and Sport's website at~~ www.culture.gov.uk

Finding out about the application

Applicants for new licences and variations to existing licences are required to advertise the application in two 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 point
 - 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 (not applicable for a Minor Variation)
 - 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 ten days following the application being given to the licensing authority.

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

A notice will also be published through the MyArea section on the Council's website (www.manchester.gov.uk) outlining key details in respect of an application, including:

- The name of the applicant or club;
- The postal address of the applicant or club;

- The postal address and, where applicable, the internet address where we keep our licensing register and where and when the record of the application may be inspected;
- The date by which representations from responsible authorities or other persons should be received and how these representations should be made; and
- That it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

Additionally, the Licensing Unit provides 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. While 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

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 any person either or 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 (ten days for a minor variation)
- (d) 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
- 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 '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.

Disclosure of personal details of persons making representations

~~It is not possible to make representations anonymously, even if someone is making a representation on their behalf (eg. a 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 licensing authority is required to provide the licence applicant with copies of any relevant representations received in respect of the application.~~

~~The licensing authority may consider withholding some or all of a person's personal details where that person can demonstrate they have a genuine and well-founded fear of intimidation and the circumstances justify such action.-~~

~~The withholding of personal details by the licensing authority will only be taken in exceptional circumstances and any person requesting their details to be withheld will be expected to demonstrate why such action is necessary.~~

~~Where a person who has concerns over an application but does not wish their personal details to be disclosed, alternative approaches include requesting a local councillor to submit a representation based on their concerns, or alternatively providing details on how the licensing objectives are likely to be undermined to a responsible authority, who may make representation, if they consider it justifiable and appropriate to do so.~~

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 ~~17-18~~ of this Licensing Policy provides details on the enforcement approach by Manchester City Council and there are a range of enforcement measures available for 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 or

Telephone: 0161 954 9000

Additionally, ~~interested parties~~any person can apply in their own right for a review of a licence (see Section 3).

The licensing authority encourages licensed premises, local residents and businesses to work together in achieving the promotion of the Licensing Objectives and it can 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

While 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~~if submitted by either a Responsible Authority, ~~interested party~~or person who has made a relevant representation, 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) Unauthorised access or occupation (eg-e.g. through door supervision),
- b) Outbreaks of disorder
- 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 antisocial 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.
- 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 (ie.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 predominantly 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 that 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 are managed, the committee structure and how the supervision of alcohol sales is to be ensured in different situations (eg-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, eg-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 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, ~~eg.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~~any other person 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 four 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 that 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~~
- ~~promote the Licensing Objectives.~~

[FS4]

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 a 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 weatherproof 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 persons 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-inch 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 onboard CD/DVDewriter 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 play back the images at full screen resolution with forward and 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 JPEG format.~~
- ~~11 — The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format, ie. 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 given to the licensing authority and Greater Manchester Police.~~
- ~~15 — The CCTV system shall be maintained and checked no less than every 12 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 they have devised a recording management system that does not fail to record and prevents recordings being tampered with, stolen or misplaced. 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 on 0161-234 4512 and Police Licensing Department on 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 weatherproof 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 persons 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-inch 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 onboard CD/DVDewriter 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 play back the images at full screen resolution with forward and 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 JPEG format.~~

- ~~11 — The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format, ie. 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 given to the licensing authority and Greater Manchester Police.~~
- ~~15 — The CCTV system shall be maintained and checked no less than every 12 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 they have devised a recording management system that does not fail to record and prevents recordings being tampered with, stolen or misplaced. 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 on 0161 234 4512 and Police Licensing Department on 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 75: Delegation of functions

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

Matter to be dealt with	Licensing Committee	Licensing Subcommittee	Officers
Application for Personal Licence		In cases of police objection	If no objection made
Application for Premises Licence/club Premises Certificate		In cases of police objection	If no objection made
Application for provisional statement		If relevant representation made	If no objection made
Application to vary Premises Licence/club Premises Certificate		If relevant representation made	If no objection made
Application to vary designated premises supervisor		In cases of police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of Premises Licence		In cases of police objection	All other cases
Applications for interim authorities		In cases of police objection	All other cases
Application to review Premises Licence/club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases

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

Appendix 86: 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.

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Applicant	A person making an application for a Premises Licence or club Premises Certificate
Application to vary a Premises Licence	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
ASB	Antisocial behaviour
BBFC	British Board of Film Classification: the national body responsible for the classification of cinema films and videos
BBPA	British Beer and Pub Association (see www.beerandpub.com)
CCTV	Closed Circuit Television
Club Premises Certificate	Club Premises Certificates are authorisations needed by clubs to carry on certain activities (<u>eg-e.g.</u> selling alcohol to members and their guests). They may be granted to clubs that 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.

Conditions	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they 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 appropriate 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.
Conditions consistent with the operating schedule	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they 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.
Councillor	An elected member of the Council
Designated Premises Supervisor	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 on the premises.
Designated Public Place Order (DPPO)	Designated public places orders are used by local authorities to deal with the problems of antisocial 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.
Door supervisors	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.
DPS	Designated Premises Supervisor
Family-friendly venues	Places that people with children can attend. These need not necessarily be places specifically aimed at children but could be premises appealing to adults that also provide for children.

Guidance	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.
In the vicinity	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 commonsense 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.
Interested parties	<p>Section 13 of the Licensing Act 2003 defines ‘interested parties’ as:</p> <ul style="list-style-type: none">a person living in the vicinity of the premises in questiona body representing persons living in that vicinity, eg. a residents’ association, a parish or town councila person involved in a business in the vicinity of the premises in questiona body representing persons involved in such businesses, eg. a trade associationa member of the relevant licensing authority, ie. elected councillors of the licensing authority for the area in which a premises is situated* <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>
Irresponsible promotions	An irresponsible promotion is one that 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.
Key Factors	The primary issues that the Council expects to be considered in respect of licensed premises

Late-night refreshment	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 (eg 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).
Licensable activities	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).
Licensee	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.
Licensing Act 2003	<p>The Licensing Act 2003 became law on 24 November 2005.</p> <p>The Licensing Act 2003 (the Act) introduced a single licence scheme for licensing premises that:</p> <ul style="list-style-type: none">• Supply alcohol• Provide regulated entertainment• Provide late-night refreshment.
Licensing authority	This refers to Manchester City Council as the body responsible for licensing under the Act.
Licensing Objectives	<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">• The prevention of crime and disorder• Public safety• The prevention of public nuisance• The protection of children from harm. <p>Licensing authorities must decide applications in connection with Premises Licences and club Premises Certificates on the basis of the steps it considers necessaryappropriate to promote these objectives. Each objective is of equal importance.</p>
Licensing Policy	See Statement of Licensing Policy
Licensing register	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 the 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.

Licensing subcommittee

Full licensing committees delegate a number of their functions to one or more ‘licensing subcommittees’. These are made up of three members of the full licensing committee.

Live Music

Following the implementation of the Live Music Act 2012, live music is not licensable as follows:

1. Alcohol On-Licensed Premises

Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises

2. Workplaces

Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)

3. All Venues

Unamplified live music between 8am and 11pm

Conditions on existing Licences

Where a premises continues to operate licensable activities (such as the sale of alcohol), any conditions relating to the above live music activities are suspended unless they have been added following a licence review.

Mandatory Conditions

The 2003 Act provides for the following Mandatory Conditions to be included in every licence and/or club Premises Certificate.

Minor variation

Small variations that will not impact adversely on the licensing objectives are subject to a simplified ‘minor variations’ process. 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
- 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.

Nitenet

Radio communication network linking licensed premises that is operated in the city centre

Operating schedule	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.
Personal Licence	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 who 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 who holds a Personal Licence.
Premises Licence	A Premises Licence authorises the use of premises for ‘licensable activities’.
Provisional statement	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.
Purple Flag	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.
Qualifying clubs	Qualifying clubs are those clubs that 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.

Regulated entertainment

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:

- The performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to live music, recorded music or dance
- ~~□ Facilities for allowing people to make music~~
- ~~□ Facilities for allowing people to dance~~
- ~~Facilities for allowing entertainment of a similar description to making music or dancing.~~

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.

Representation

Submission made to the licensing authority in respect of an application. Representations can be in support or against an application

Relevant representation

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'~~ Any person such as local residents or businesses 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 if made by a person other than a Responsible Authority 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.

Responsible Authorities

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:

- [The licensing authority](#)
- The chief officer of police
- The fire authority
- The planning authority
- [The health authority](#)
- The health and safety authority
- The environmental health authority
- The body recognised as being responsible for protection of children from harm
- Inspectors of Weights and Measures (trading standards officers)
- 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.

Review

Interested parties including local residents can also request a review of a particular Premises Licence, when problems occur that 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 appropriate](#) to address the problem and promote one or more of the four Licensing Objectives.

Risk assessment

The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.

Statement of licensing policy

Every licensing authority will publish a 'statement of licensing policy' every five years. This will set out the general approach the licensing authority will take when making licensing decisions.

**Temporary Event
Notice (TEN)**

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. See Section 16. These include:

- ~~□ No more than 499 people (including staff/organisers) attending at any one time.~~
- ~~□ An individual is limited to giving five TENs in a calendar year, unless they are a Personal Licence holder for the sale of alcohol, in which case they can give 50.~~
- ~~□ A limit of 12 TENs may be given in respect of any particular premises in a calendar year.~~
- ~~□ An event may last for no more than 96 hours.~~
- The maximum aggregate duration of the periods covered by TENs at any individual premises of 15 days.

Variation

See Application to vary a Premises Licence

**Vertical drinking
establishment**

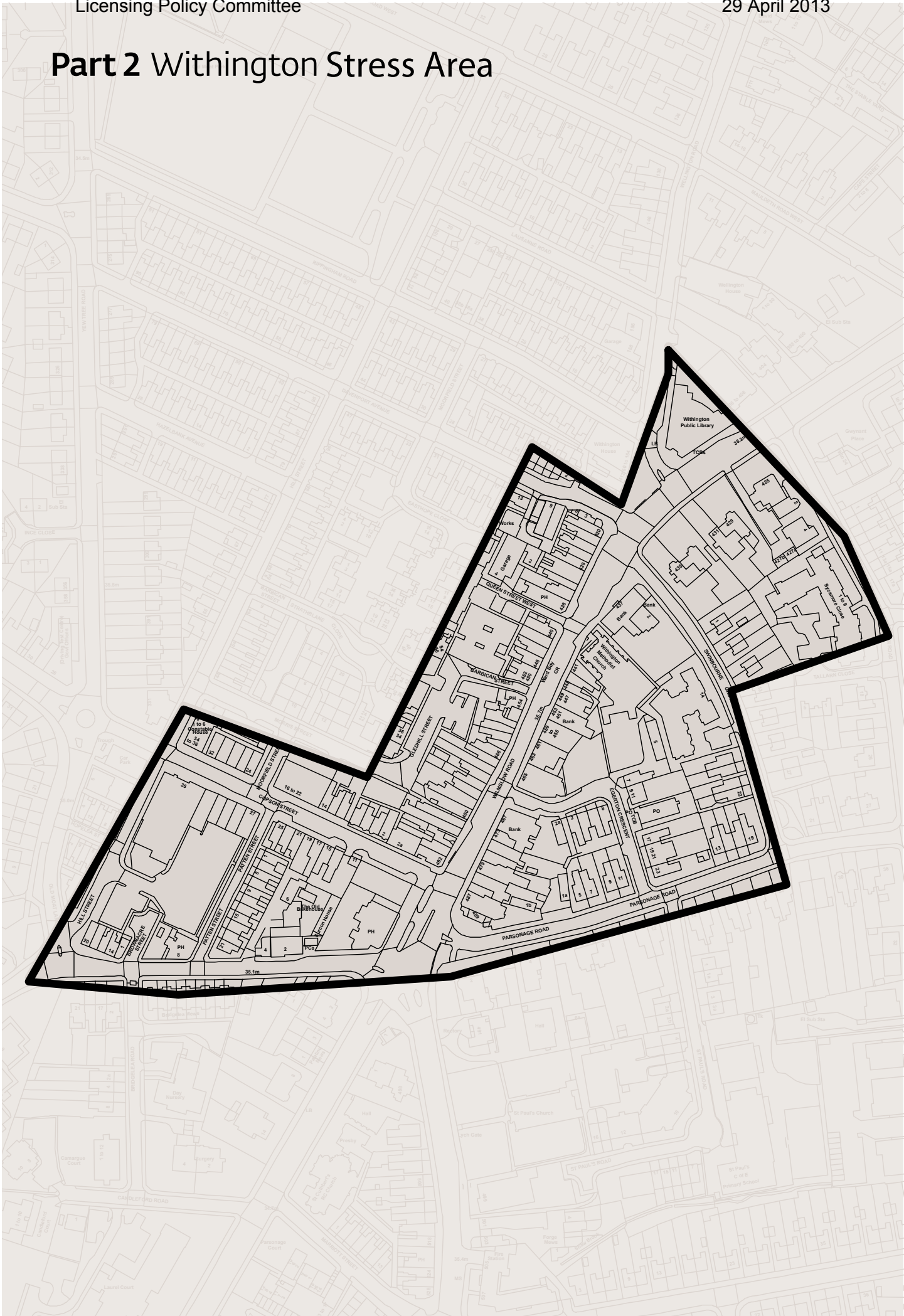
Premises used primarily or exclusively for the sale and consumption of alcohol, with little or no seating for patrons.

**Appendix 97: Map of the Fallowfield/Wilmslow Road area to which a
Special Policy applies**



Map of Special Policy
Area (click to open)

Part 2 Withington Stress Area



Appendix 8: Map of the Withington Stress area to which a Special Policy applies



Adobe Acrobat
PDFXML Document

Map of Withington Stress Area