

# **Manchester Statement of Licensing Policy 2021–2026**

Interim Review 2021-22

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## **Foreword by Leader**

Richard Leese

Leader of the Council

# **1 Introduction and Guide to Manchester's Licensing Policy**

- 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 Manchester 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 aims of this Licensing Policy are to pursue and promote those objectives, whilst encouraging a night time economy that is vibrant, diverse and successful with high standards of management and operation. We recognise that licensed premises 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.
- 1.3 We aim to achieve:
- Desirable destinations for a wide range of age groups
  - High quality licensed premises with permitted hours and activities appropriate for their locality
  - Innovative experiences that will enhance the city's cultural offering and reputation
  - A vibrant and diverse world-class leisure and night time economy in the city centre
- 1.4 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, and public nuisance issues such as noise problems. Through this Licensing Policy, we have set out how we will prevent and address such issues.

## **Guide to the Policy**

- 1.5 The Policy uses technical terms relevant to the Licensing Act 2003. These will be explained throughout the document, but the Glossary at Appendix 6 may also be a useful reference.
- 1.6 Section 2 describes how the policy integrates with other related strategies for the city.
- 1.7 Section 3 gives a summary of the licensing system and the functions of the licensing authority.



- 1.8 Section 4 (Operation of the Policy) sets out how this Licensing Policy is intended to be used in practice for licence applications and licensed premises. All parties intending to use the policy; including licence applicants, local residents, councillors, responsible authorities and licensing practitioners, may initially wish to refer to this section so they can understand the expectations of the authority.
- 1.9 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 established appropriate measures consistent with achieving this goal through Special Policies in respect of specific areas of the city at Section 5.
- 1.10 Section 6 provides a range of licensed premises and initiatives we aim to encourage in order to help positively develop the leisure and night time economy in Manchester
- 1.11 We are keen to ensure that licensed premises are an asset to their locality and, with this aim in mind, have set out a range of key issues at Section 7 (Local Factors) that applicants are expected to take into account relevant to the individual characteristics of the premises and locality when preparing their operating schedule, particularly when considering appropriate activities, hours and operating standards for the premises. We aim to promote high standards of operation at licensed premises in Manchester and have set these out at Section 8 (Manchester Standards to promote the licensing objectives)
- 1.12 We have set out specific considerations relevant to Alcohol Delivery Services (Section 9), the provision of adult entertainment at premises (Section 10) and external areas licensed to place tables and chairs on the public highway (Section 11).
- 1.13 Section 12 provides specific considerations relevant to the holding of large-scale public events e.g. festivals and concerts, to ensure their delivery in accordance with the licensing objectives.
- 1.14 Section 13 provides information about personal licences; required to authorise sales of alcohol, and Section 14 details the temporary event notice (TEN) process authorising licensable activities on a temporary basis in the absence of a licence. Section 15 deals with designated premises supervisors; who must be in place for licensed premises in order to permit the sale of alcohol.
- 1.15 Where licensed premises fail to promote the licensing objectives, we will take appropriate steps to address any such licence-related issues (See Section 16 – Enforcement and Monitoring).
- 1.16 Section 17 deals with minor variations for non-contentious changes to licences, and Section 18 sets out how the authority approaches the awarding of age-rated classifications where no BBFC certification is in place for any film to be publicly exhibited in Manchester.

- 1.17 Contact details for the Licensing Unit and all responsible authorities in Manchester under the Licensing Act 2003 are detailed in Appendix 1.
- 1.18 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. Relevant details are provided in Appendix 2 (Relevant information for residents and other persons), including:
- Finding out about new licence applications
  - 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 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
- 1.19 Appendix 3 details the mandatory conditions that apply by law to all premises licences and club premises certificates.
- 1.20 Appendix 4 sets out the process for community premises to disapply certain mandatory conditions, such as the requirement for a designated premises supervisor.
- 1.21 Appendix 5 describes how the Council, as the licensing authority, has delegated its licensing functions.
- 1.22 Appendix 6 provides a glossary to explain many of the terms used in this document.
- 1.23 Appendix 7 (Fallowfield/Wilmslow Road) and Appendix 8 (Withington Stress area) includes the maps for those areas subject to the special policies in Section 5.

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

- 2.1 This Licensing Policy took effect from 4 January 2016. It will be formally revised 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.

### **Consultation for the Licensing Policy**

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

- The chief officer of police for the licensing authority's area
- The fire authority for the area
- The director of public health for the area
- Such persons the licensing authority considers to be representative of holders of premises licences issued by the authority
- Such persons the licensing authority considers to be representative of holders of club premises certificates issued by the authority
- Such persons the licensing authority considers to be representative of holders of personal licences issued by the authority
- Such other persons the licensing authority considers to be representative of businesses and residents in its area

### **Integration with other strategies**

- 2.3 While the overarching aim of this policy is to promote the licensing objectives, it is acknowledged that there are other key Council strategies in place to help Manchester realise its status as a world-class city. Therefore, this Licensing Policy integrates as far as is reasonably possible with those strategies in order to help Manchester realise that goal.

### **Refreshed Greater Manchester Strategy**

- 2.4 The vision articulated in the Strategy is that by 2020, the Manchester City Region will have pioneered a new model for sustainable economic growth based around a more connected, talented and greener city region where all our residents are able to contribute to and benefit from sustained prosperity.
- 2.5 The outcomes it is seeking to achieve are that Greater Manchester is:

- One of Europe's premier city regions
  - Competing on the international stage for talent, investment, trade and ideas
  - Where all people are valued and able to fully participate in and benefit from the city region's success
  - Known for our good quality of life, low carbon economy and our commitment to sustainable development
  - A city-region where every resident, neighbourhood and borough can contribute to and benefit from our sustainable future
  - Continuing to grow into a fairer, healthier, safer and more inclusive place to live
  - Delivering focused and collegiate leadership based around collaboration and partnerships
- 2.6 The strategic priorities are focused around the twin pillars of Growth i.e. how we create the right conditions and support businesses within Greater Manchester, and Reform i.e. where we need to reduce worklessness and improve the skills base of those living in Greater Manchester and at the same time encourage self-reliance and reduce the demand for public services.

### **Draft Manchester Strategy**

- 2.7 Our vision is for Manchester in 2025 to be in the top flight of world-class cities:
- With a competitive, dynamic and sustainable economy that draws on our distinctive strengths in science, advanced manufacturing, culture, creative and digital business, cultivating and encouraging new ideas
  - With highly skilled, enterprising and industrious people
  - That is connected, internationally and within the UK
  - That plays its full part in limiting the impacts of climate change
  - Where residents from all backgrounds feel safe, can aspire, succeed and live well
  - That is clean, attractive, culturally rich, outward looking and welcoming
- 2.8 This licensing policy aims to support the contribution that culture makes to the city's economy and reputation, which will be a key part of the city's continued growth. Landmark developments will play an essential part in helping Manchester and the north of England provide a genuine cultural counterbalance to London. Equally, the existing high quality cultural venues and the small, niche, spontaneous side to Manchester's culture and events offering will be nurtured, creating a varied cultural spectrum that befits a city of Manchester's size and diversity.

## **Cultural Strategy**

- 2.9 The vision for Manchester's cultural development is set out in its 'Cultural Ambition', which provides an updated framework for the original Cultural Strategy. Set out by the Manchester Cultural Partnership (<http://www.manchesterculturalpartnership.org/>), it aims to set the bar high with the vision for Manchester to be a world-class city that is vibrant and innovative, attracting interest and visits from across the globe. The policy aims to encourage premises and events that will achieve this ambition as set out in Section 6.

## **Manchester Community Safety Strategy**

- 2.10 The Community Safety Partnership (CSP) brings together the local Council, Greater Manchester Police, Offender Management Services, GM Fire and Rescue Service, Public Health Manchester, the universities, housing providers, and community and voluntary organisations. This wider strategy is built upon ensuring that Manchester's communities and neighbourhoods are safe places to live, visit and work.
- 2.11 This strategy establishes 8 thematic priorities in respect of:
- Priority 1: Tackling antisocial behaviour, in particular youth nuisance
  - Priority 2: Tackling alcohol and drug related crime. Alcohol and drug misuse are recognised as key drivers of crime, disorder and antisocial behaviour
  - Priority 3: Changing offender behaviour (alcohol referrals)
  - Priority 4: Protecting vulnerable people (CSE, drunkenness)
  - Priority 5: Tackling serious and organised crime (OCG, associations with licensed premises)
  - Priority 6: Tackling the crimes that are committed most frequently and which have the most impact on communities
  - Priority 7: Tackling hidden crimes and behaviours (CSE)
  - Priority 8: Making the City Centre safer
- 2.12 The Standards set out in Section 8 directly address all of these priorities. Through the application of these Standards on licensed premises, the Licensing Policy will contribute to the achievement of the Community Safety Strategy.

## **The Core Strategy**

- 2.13 The Core Strategy describes Manchester today and outlines the Council's vision for Manchester in 2027. Manchester is served by a diverse network of city, district and local centres. Not every centre supports a broad range of uses and, therefore, an important policy element of the Core Strategy is to define a centre hierarchy,

recognising roles that different centres play within certain areas and where some centres complement each other within their own network.

- 2.14 The vision for Manchester's centres emphasises support for on-going investment, seeking to bolster the quality of services available and maximise opportunities for employment creation through commercial activity and provision of services close to homes and local communities. Within this vision, centres should become places that support a variety of complementary but mixed uses. However, control is also needed to ensure that the mix of uses is appropriate; there are uses that can have a detrimental impact on the character of both centres and their wider neighbourhoods. The licensing authority has a vital role in exercising this control.
- 2.15 As the licensing authority, our approach to carrying out our licensing functions will seek to align with the strategic objectives set out in the Strategy. This will be achieved through imposing conditions in line with actions set out in any Place Plan, Local Plan or Ward Plan for the area where the premises is situated insofar as they are consistent with the promotion of the licensing objectives. This is set out in Section 7 (Local Factors).

### **The Manchester Alcohol Strategy**

- 2.16 The overarching purpose of the Manchester Alcohol Strategy 2014-17 is to reduce demand on public services and address complex dependency issues through early intervention and prevention activity. In order to achieve this, it will seek to deliver three interlinked outcomes:
- Reducing alcohol-related crime, antisocial behaviour and domestic abuse
  - Reducing alcohol-related health harms
  - Establishing diverse, vibrant and safe night-time economies
- 2.17 The Licensing Policy addresses key elements of the Alcohol Strategy by ensuring the effective regulation of licensed premises. The Standards in Section 8 will ensure responsible retailing, such as preventing drunkenness and restricting access to alcohol to underage persons amongst other things. It also sets out a firm commitment to promote and encourage a diverse, safe and vibrant night time economy in Manchester.

### **Contributing to achieving wider aspirations**

- 2.18 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.
- 2.19 Manchester has one of the highest rates in England for alcohol-related hospital admissions, which have increased by 15% over recent years. Rates of alcohol-related deaths are also higher in Manchester than the North West and England averages.

- 2.20 The licensing authority seeks to protect the quality of life for people in Manchester and hopes 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, as well as positively impacting upon crime and disorder, nuisance, harm to children and improved public safety; controlling the premises selling alcohol should positively impact on the levels of alcohol-related health harm. Additionally, preventing the use or supply of illegal drugs and new psychoactive substances on licensed premises is hoped to reduce drug-related health harm.
- 2.21 The Council's priorities in respect of getting citizens in employment and improving skills are important issues for the city. Licensed premises play an important role in employment in the city, particularly of young people, providing them with training and experience to further develop careers.
- 2.22 However, it is recognised that whilst any such positive impact may incidentally arise from the licensing authority conducting its licensing functions; it shall not be the purpose of authority under the Act, which is to promote the licensing objectives.

### **Working to prevent the threat of terrorism**

- 2.23 Terror attacks have previously been targeted at bars, pubs and nightclubs in the UK. All premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs'.
- 2.24 Licensed premises in the city centre are expected to be prepared in accordance with the City Centre Emergency Evacuation Plan:

[http://cityco.com/media/uploads/2014/12/09/FINAL\\_City\\_centre\\_evacuation\\_maps\\_BUSINESS.pdf](http://cityco.com/media/uploads/2014/12/09/FINAL_City_centre_evacuation_maps_BUSINESS.pdf)

### **Tackling Child Sexual Exploitation**

- 2.25 The licensing authority is committed to protecting children from harm. To this end, the Council's licensing team worked with Manchester Safeguarding Children Board (MSCB) during the development of licensing policy where the protection of children is concerned. All licensing staff have completed safeguarding training and intelligence sharing as well as the exchange of current strategy developed by the Safeguarding Children Board ensures that the protection of children from harm is proactively addressed. The licensing authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.
- 2.26 Alcohol is also often a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual

exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.

- 2.27 Manchester Safeguarding Children Board works with other statutory authorities and the licensing trade to promote risk management in relation to child sexual exploitation. MSCB can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.
- 2.28 MSCB has a webpage dedicated to providing local information about child sexual exploitation policies and procedures including risk factors and signs and symptoms:  
<http://www.manchesterscb.org.uk/cse.asp>
- 2.29 A range of online safeguarding training courses developed by MSCB in conjunction with Virtual College are publicly available at:  
<https://manchesterscb.virtual-college.co.uk/>
- 2.30 The licensing authority encourages licence holders and operators of licensed premises:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
  - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.
- 2.31 Nevertheless, the licensing authority has taken account of the view of the Government that the use of licensed premises by children should be encouraged where appropriate.

### **Promotion of equality**

- 2.32 When drafting this policy, the Equality Act 2010 (the Act) has been considered and applied.
- 2.33 The Act brings together all the legal requirements on equality that the private, public and voluntary sectors need to follow, replacing all previous equality law such as the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.
- 2.34 The Act protects people from discrimination, harassment and victimisation on the basis of their 'protected characteristics'. These are: sex (gender); gender reassignment; race; disability; sexual orientation; age; religion or belief (or lack of religion or belief); pregnancy and maternity; and marriage or civil partnership.
- 2.35 Under section 149 of the Act, 'the Public Sector Equality Duty', public bodies like Manchester City Council need to have 'due regard' in everything that they do to the need to:



- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

2.36 Having due regard involves the Council:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

2.37 The values of a fair and equal society that underpin the Act are at the heart of the Council's ambitions for the city. The authority will ensure that premises are licensed in a manner consistent with the responsibilities under the Act to deliver the best equality outcomes for the city that it can.

### **3 The Licensing process**

- 3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs, and at temporary events within the terms of the Licensing Act 2003.

#### **The Licensing Committee and its delegation of functions**

- 3.2 In accordance with the Licensing Act 2003, 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.
- 3.3 Full details of the delegation structure for the Licensing Committee are contained in Appendix 5.

#### **Duplication with other regulatory regimes**

- 3.4 In exercising its licensing functions, the licensing authority shall, as far as possible, avoid attaching conditions that duplicate with any other existing legislation and regulatory regimes that already place obligations on employers and operators.

#### **Responsible authorities**

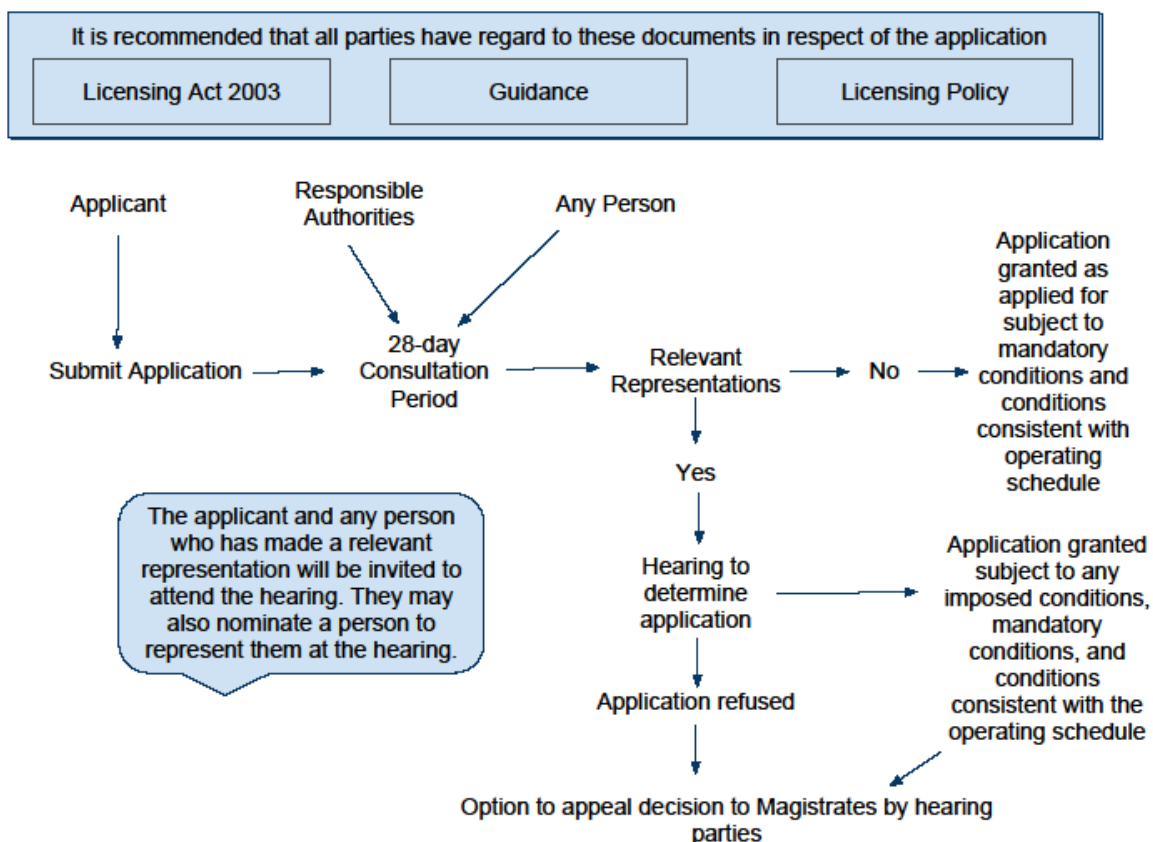
- 3.5 Responsible authorities are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. The responsible authorities are set out in Appendix 1.
- 3.6 The licensing authority recognises Manchester Safeguarding Children Board as the body competent to advise it on the protection of children from harm.

#### **Licensable activities and the licensing objectives**

- 3.7 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
- 3.8 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.

- 3.9 The authorisation may be in the form of a premises licence, a club premises certificate or a temporary event notice.
- 3.10 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 the responsible authorities.
- 3.11 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 applicant also sets out any steps they propose to take in order to address the four licensing objectives, and these can be converted into conditions on any licence granted.
- 3.12 There is a public consultation period lasting for 28 days beginning from the first day after the application was received by the licensing authority. During this period, the application must be advertised and any person or responsible authority may make written representations in respect of the application.
- 3.13 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 has been no objection (known as a 'relevant representation') from any person or responsible authority, then the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant Mandatory Conditions.
- 3.14 Where a relevant representation is 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.
- 3.15 Through discussion, parties may reach a compromise to resolve the concerns that originally led to the objection being made. For example, reducing the hours for proposed activities, adding extra conditions, or removing proposed activities entirely may address any concerns an objector had. In such circumstances, the applicant may request the licensing authority to grant the application subject to any conditions agreed between the parties.
- 3.16 However, where any objections remain, the applicant and any party who has submitted a relevant representation (or their representatives) will be invited to attend the hearing in order to make submissions to the subcommittee.
- 3.17 All applications will be considered on their own merit.
- 3.18 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 appropriate for the promotion of the licensing objectives; or
  - (c) Refuse the application

- 3.19 There is a right of appeal to the Magistrates' Court against the decision of the Licensing Subcommittee by any party to the original hearing.



### De-regulated entertainment

- 3.20 The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable:
- 3.21 Performances of plays between 08.00 and 23.00, provided that the audience does not exceed 500.
- 3.22 Performances of dance between 08.00 and 23.00, provided that the audience does not exceed 500.
- 3.23 'Not-for-profit' film exhibition held in community premises between 08.00 and 23.00, provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- 3.24 Indoor sporting events between 08.00 and 23.00, provided that those present do not exceed 1000.
- 3.25 Any contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00, provided that the audience does not exceed 1000.

- 3.26 Performances of unamplified live music between 08.00 and 23.00, on any premises.
- 3.27 Performances of amplified live music between 0800 and 2300:
- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
  - In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500
  - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
  - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital
- 3.28 Playing of Recorded Music between 0800 and 2300:
- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
  - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
  - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital
- 3.29 Any entertainment taking place on the premises of the local authority between 08.00 and 23.00, with no limit on audience size, where the entertainment is provided by or on behalf of the local authority.
- 3.30 Any entertainment taking place on the hospital premises of the health care provider between 08.00 and 23.00, with no limit on audience size, where the entertainment is provided by or on behalf of the health care provider.
- 3.31 Any entertainment taking place on the premises of the school between 08.00 and 23.00, with no limit on audience size, where the entertainment is provided by or on behalf of the school proprietor; and
- 3.32 Any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus between 08.00 and 23.00, with no limit on audience size, provided that (a) it takes place within a moveable structure that accommodates the audience,

and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

### **Relevant representations**

- 3.33 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 any person or responsible authority
  - 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 objectives
  - e) Must not (in the case of any person who is not a responsible authority) be considered by the licensing authority as frivolous or vexatious
- 3.34 The grounds for any representation will be stronger if they have an evidential basis and link to the applicant's premises. Any conditions or restrictions should only be proposed that address identified risks to the licensing objectives.
- 3.35 All persons, including responsible authorities, are encouraged to take into consideration all relevant sections of the Policy, in particular the Local Factors set out at Section 7 and the Standards set out at Section 8, when they are assessing applications and deciding whether to make a representation on an application.
- 3.36 Further information on making a representation can be found in Appendix 2.

### **Reviews**

- 3.37 At any time following the grant of a licence or club premises certificate, any person or responsible authority may submit an application for a review of it.
- 3.38 Applications for review must relate to one or more of the licensing objectives and must not (where the review is submitted by any person who is not a responsible authority) be considered as frivolous, vexatious or repetitious by the licensing authority.
- 3.39 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.
- 3.40 At a review, the licensing authority may take the following steps (if any) where such steps are considered appropriate 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
- 3.41 In cases when there is evidence that the crime prevention objective is being undermined, revocation of the licence will be seriously considered by the authority, even in the first instance.
- 3.42 There is a right of appeal to the Magistrates' Court against the decision of the Licensing Subcommittee, 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 brought only by the police.
- 3.43 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 (e.g. joint-agency action planning and voluntary initiatives). It is expected that the trade reciprocate this spirit of co-operation to achieve the promotion of the licensing objectives.

#### **Ability to reinstate conditions relating to live music upon review**

- 3.44 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.

#### **Considerations of impact within the vicinity of licensed premises**

- 3.45 Whilst the licensing authority will seek to ensure the promotion of the four licensing objectives by licensed premises in Manchester, it is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licensee.
- 3.46 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**

- 3.47 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.

- 3.48 Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law. Any applicant who chooses to apply for the relevant licence prior to obtaining planning permission is advised to be aware of the relevant planning policy for the locality.

### **The need for licensed premises**

- 3.49 The licensing authority shall not take into account 'need' or commercial demand, which is a matter for the market, when exercising any licensing function.

### **The cumulative impact of concentrations of licensed premises**

- 3.50 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.
- 3.51 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.
- 3.52 Types of evidence the licensing authority will take into consideration when considering whether to implement such a Special Policy include:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
  - Statistics on local anti-social behaviour offences
  - Health-related statistics such as alcohol-related emergency attendances and admissions
  - Environmental health complaints, particularly in relation to litter and noise
  - Complaints recorded by the local authority, which may include complaints by local residents or residents' associations
  - Residents' questionnaires
  - Evidence from local councillors



- Evidence obtained through local consultation

3.53 The licensing authority will take into account:

- The number, type and density of licensed premises and the hours and activities they are licensed for
- Trends in licence applications, particularly trends in applications by types of premises and terminal hours
- Changes in terminal hours of premises
- Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times
- Residential density
- The number of consumers attracted to the area and the availability of public transport

3.54 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, 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 be consumed publicly
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Police powers to close down instantly for up to 24 hours (extendable to 48 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 any person to seek a review of the licence or certificate in question

- Raising a contribution to policing the late night economy through the Late Night Levy
- Early Morning Restriction Orders
- Other local initiatives that similarly address these problems

### **Late Night Levy**

- 3.55 The late night levy (“the levy”) is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011, which enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 3.56 The levy will be payable by the holders of any premises licence or club premises certificate, in relation to premises in the authority’s area, which authorise the sale or supply of alcohol on any days during a period (the “late night supply period”) beginning at or after midnight and ending at or before 6am.
- 3.57 The decision to introduce, vary or end the requirement for the levy must be made by the full council. The authority will consider the appropriateness of the levy as well as its design, prior to any decision to consult on its implementation.
- 3.58 When considering whether to introduce a levy, any financial risk (for example, lower than expected revenue) rests at a local level and so will be fully considered prior to implementation.
- 3.59 There currently is no late night levy in Manchester.

### **Early Morning Restriction Orders (EMRO’s)**

- 3.60 Also introduced by the Police Reform and Social Responsibility Act 2011, Early Morning Restriction Orders (EMRO’s) are a power enabling an authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 3.61 EMRO’s are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour that is not directly attributable to specific premises.
- 3.62 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices

- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event)
- Applies to the whole or any part of the licensing authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January each year)
- Will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003

3.63 Introducing an EMRO is a licensing function. Therefore, this is not the responsibility of a council's executive. The final decision to make an EMRO (or to vary or revoke one) must be made by the full council of the authority. Any preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority. The licensing committee may delegate these steps to the licensing sub-committee or officers as it sees fit.

3.64 The licensing authority will consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO before deciding whether an EMRO is an appropriate step to promote the licensing objectives, on the basis that it is reasonable, justified and proportionate in the circumstances.

3.65 There currently are no Early Morning Restriction Orders in Manchester.

## **4 Operation of the Policy**

### **General**

- 4.1 Every application will be treated in accordance with the Act, the S182 guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy 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.
- 4.2 All applications for a new premises licence or variations need to be supported by an operating schedule. The schedule must specify (among other things) the steps which the applicant proposes to take to promote each of the licensing objectives.
- 4.3 If a responsible authority or other person lodges an objection, (known as a 'relevant representation') against an application, then a hearing before a licensing sub-committee will normally follow. In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to this policy. Therefore, applicants are expected to take this licensing policy carefully into account when preparing their operating schedule. The policy represents the licensing authority's view of the best means of promoting the licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with community stakeholders, and so when an operating schedule complies with the policy it is generally less likely that a responsible authority or other person will object to it, or that any objection will succeed. Therefore, compliance with the policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions.
- 4.4 This is not to say that an opposed application that complies with the policy will necessarily be granted or that an opposed application that does not comply with it will necessarily be refused. Where there have been relevant representations, the licence authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, appropriate to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. So, for example, the licensing authority will not interfere with an operating schedule that does not comply with this policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 4.5 In this policy, there are a number of references to the licensing authority's expectations of applicants. As explained above, the policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 4.6 Further, the licensing authority may use this policy when exercising their licensing functions. For example, when considering an application for review of a licence, the licensing authority is likely to view with concern premises that are being operated in clear breach of the terms of this policy.

## Applications in Special Policy Areas

- 4.7 Where an application is located within a Special Policy area (Section 5), 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. Applicants are expected to demonstrate an understanding of the policy; of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

## Licence Conditions

- 4.8 In exercising its discretion, the licensing authority will attach conditions consistent with the Standards in Section 8 when considered by the licensing authority to be 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.
- 4.9 The licensing authority has produced model conditions to provide a consistent approach for all parties by specifying appropriate conditions in line with the Standards in Section 8 that could be included on any licence or certificate granted. This could be by the applicant in designing the operating schedule, by other parties in seeking to address concerns associated with the application, or ultimately, by the licensing authority when imposing conditions considered appropriate for the promotion of the licensing objectives.
- 4.10 The model conditions are not intended to be, nor can they be, an exhaustive list, and they do not restrict the ability of any party to suggest, or the Committee to impose, any condition they consider appropriate for the promotion of the licensing objectives, provided they are in accordance with the following principles.
- 4.11 The principles that will be applied in respect of any conditions imposed on licences and certificates by the licensing authority are:

Licence conditions will	Licence conditions will not
Be appropriate for the promotion of the licensing objectives	Be standardised
Be precise and enforceable	Replicate offences set out in the Licensing Act 2003 or other legislation

Be unambiguous and clear in what they intend to achieve	Duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
Be tailored to the individual type, location and characteristics of the premises and events concerned	Seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave.
Be proportionate, justifiable and capable of being met	Require the admission of children to any premises
Be written in a prescriptive format	

- 4.12 Where, following relevant representations and a hearing, the authority is not satisfied that the imposition of conditions is appropriate and sufficient for the promotion of the licensing objectives; the authority can restrict licensable activities and / or hours. The authority may also refuse to specify the person nominated as designated premises supervisor.
- 4.13 However, where all of the above steps are not considered appropriate and sufficient to promote the licensing objectives by the authority, the policy is to refuse the application.

### **Departures from the Policy**

- 4.14 While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule that departs from the policy, the licensing sub-committee hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the policy.
- 4.15 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.

## **5 Special policy areas**

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

- 5.1 The special cumulative impact and saturation policy shall apply to the geographical area identified on the map in Appendix 7 of this Licensing Policy.
- 5.2 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 in Appendix 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 in 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 number 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 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 in 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 8 of the Council's Statement of Licensing Policy 2011–14.'

- 5.3 The Council has therefore adopted a Special Policy in respect of the specified area.
- 5.4 This Policy has been reviewed and updated analysis of the policy area shows that there is still a far higher concentration of levels of issues in the area, compared to both the adjacent Withington special policy area, as well as the wider South Manchester "E" policing division.
- 5.5 Over the past three financial years, an average of 38% of victim-based crime in the Fallowfield/Wilmslow Road Policy area happened between midnight and 5am, compared with 16% in the Stress area and 20% in the E Division as a whole. Over the same three years, an average of 40% of ASB in the Policy area happened between midnight and 5am, compared with 18% in the Stress area and 20% in the E Division as a whole.
- 5.6 Therefore, the authority considers it appropriate to retain the policy for 'Fallowfield and Wilmslow Road' as it stands.
- 5.7 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.
- 5.8 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.
- 5.9 The Special Policy applies to all licensable activities.



- 5.10 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.
- 5.11 The Special Policy does not relieve responsible authorities or 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.
- 5.12 All responsible authorities and other persons may refer, where appropriate in their representation, to the evidence considered by the Council in the adoption of this Special Policy.
- 5.13 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.
- 5.14 The Special Policy does not include provisions for terminal hours in respect of premises in the areas identified in Appendix 7, nor does it impose quotas on the number of licensed premises permitted or the capacity of those premises.
- 5.15 The Council will regularly review the Special Policy in place.

### **Special policy in respect of Withington Stress Area**

- 5.16 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.
- 5.17 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.
- 5.18 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 in Appendix 8 of this Licensing Policy.
- 5.19 This policy has been reviewed and updated analysis of the policy area shows that there is still a higher proportion of incidents in this area and the levels of issues remains broadly consistent since the policy came into effect, with increases in victim-based crime and violent crime. Although levels of ASB, including that recorded as alcohol-related, decreased in 2013/14, it subsequently increased in 2014/15. Therefore, the authority considers it appropriate to retain the policy for the 'Withington Stress Area' as it stands.
- 5.20 Withington is a residential area which, if not carefully planned, may attract late-night alcohol-led venues that 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:

	<b>Closing time</b>	<b>Approach</b>
<b>Non-alcohol-led venues (excluding hot food takeaways)</b>	Up to midnight	Strongly encouraged provided they do not harm the licensing objectives.
<b>Non-alcohol-led venues (excluding hot food takeaways)</b>	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.
<b>Alcohol-led venues (on-licence)</b>	Up to 11.30pm	Judged according to set criteria.  Positive proposals for the promotion of the licensing objectives, including from departing customers, must also be demonstrated in the operating schedule.  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.

	<b>Closing time</b>	<b>Approach</b>
<b>Alcohol-led venues (on-licence)</b>	Beyond 11.30pm	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, including from departing customers.
<b>Hot food Takeaway premises</b>	All	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, including from departing customers.
<b>Alcohol-led venues (off-licence)</b>	All	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.

- 5.21 Section 8 (Manchester's Standards to promote the licensing objectives) sets out many measures the licensing authority considers to be appropriate in order to ensure the promotion of the licensing objectives.
- 5.22 Having regard to the issues within the Withington Stress Area, the licensing authority has also set out particular measures 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 that fail to address all appropriate measures may be refused or have conditions applied to comply with the policy measures.
- 5.23 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.

5.24 The licensing authority has also set out measures that it will have particular consideration towards if proposed within the operating schedule by the applicant.

5.25 The measures are set out as follows:

Measure to be addressed	Criteria
The effective management of queues outside the premises	A documented policy addressing how queues outside the premises will be managed to prevent any nuisance or disorderly behaviour.
The control of entry to and exit from the premises, including assessing the need for door supervisors	<p>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.</p> <p>Written records to be kept of any door supervisors on duty.</p> <p>Positive consideration will be given to the use of Approved Contractor Scheme (ACS) security companies.</p>
Designing out crime in the layout of the premises	Positive consideration will be given to the commissioning of a Licensing Impact Statement (by Design for Security) and operation of the premises in line with the recommendations of that report.
Implementation of documented reporting procedures at the premises	<p>Documented records to be kept in respect of:</p> <ul style="list-style-type: none"> <li>• Lost and found property</li> <li>• Refused sales of alcohol</li> <li>• Thefts</li> <li>• Banned and ejected persons</li> <li>• Injuries</li> <li>• Complaints and any remedial action taken</li> </ul>
Provision of comprehensive documented staff training	<p>Documented staff training conducted in respect of:</p> <ul style="list-style-type: none"> <li>• Preventing underage sales</li> <li>• Preventing drunkenness</li> <li>• Managing and resolving conflict</li> <li>• Emergency procedures</li> <li>• Compliance with the licence conditions</li> </ul>

Measure to be addressed	Criteria
	<ul style="list-style-type: none"> <li>• Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol</li> <li>• Identification and refusal of underage sales</li> </ul> <p>Positive consideration will be given to:</p> <p>Use of accredited training course and recognised industry qualifications (e.g. BII)</p>
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"> <li>• The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables</li> <li>• Substantial food being available at all times</li> <li>• Use of the Responsible Alcohol Service Guide</li> <li>• Displaying responsible drinking information and posters throughout the premises</li> <li>• Ensuring alcohol-free options are readily available</li> <li>• Making appropriate arrangements to ensure the safe transport home of vulnerable customers</li> <li>• Training of staff in the Responsible Alcohol Service Award</li> </ul>
Ensuring only responsible drinks promotions are operated at the premises	No criteria specified
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.
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.

<b>Measure to be addressed</b>	<b>Criteria</b>
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.
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.
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.
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.
Communication and integration with local residents and businesses	Positive consideration will be given to: <ul style="list-style-type: none"> <li>• Participation in any community local initiatives</li> <li>• Communication with local residents and groups</li> <li>• Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems</li> <li>• Hosting of meetings with local residents to troubleshoot issues associated with the premises</li> </ul>
Effective management of exterior spaces (e.g. beer gardens, smoking areas)	Policies in place in relation to: <ul style="list-style-type: none"> <li>• Supervision arrangements</li> <li>• How such areas will be kept clean and free of litter, particularly at the end of trading</li> <li>• Avoiding customers causing noise disturbance</li> </ul>

Measure to be addressed	Criteria
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"> <li>• Contribution (including financial) to any community local initiatives or infrastructure</li> <li>• Cleaning initiatives beyond the immediate vicinity of the premises</li> </ul>
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>
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"> <li>• Supervision of customers leaving, including preventing customers congregating outside</li> <li>• Use of a winding-down period</li> <li>• Providing a dedicated taxi/private hire calling service, which operates a call-back facility</li> </ul>
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"> <li>• Participation in the local Pubwatch scheme</li> <li>• Support of any local resident/community schemes, including the voluntary hosting of meetings</li> </ul>
Taking action to prevent proxy sales of alcohol from the premises	<p>Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences.</p>

Measure to be addressed	Criteria
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"> <li>• The use of till prompts</li> <li>• Operation of mystery shopper exercises at own expense</li> </ul>

- 5.26 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.
- 5.27 Each application will be considered on its individual merits.
- 5.28 Departure from policy is expected only in exceptional circumstances.
- 5.29 Exceptional circumstances will not include the quality of management or size of venue.
- 5.30 Applicants will be expected to have particular regard to all sections of this Statement of Licensing Policy.
- 5.31 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.

### **Special Policy – Ancoats and New Islington**

- 5.32 The special policy shall apply to the Ancoats and New Islington Regeneration Framework Area as identified on the map at Appendix 9 of this Licensing Policy.
- 5.33 The effect of the special policy is that the Council will generally only permit licensable activities until a terminal hour of 11pm for premises in the Ancoats and New Islington Regeneration Framework area, whenever it receives relevant representation, unless an applicant can demonstrate there are exceptional circumstance to justify a departure from the policy in the individual circumstances.
- 11pm (Sunday to Thursday)
- 12 midnight (Friday, Saturday)
- 5.34 The Special Hours Policy applies to on and off-sales of alcohol. Where alcohol is sold for consumption on the premises, our policy will be to generally provide 30 minutes



'drinking up' time between the terminal hour for the sale of alcohol and the closing time of the premises.

- 5.35 Each application will be considered on its individual merits.
- 5.36 We are adopting this policy with paragraph 10.13 of the Government's statutory Guidance in mind, which recognises that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas and that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.
- 5.37 The Council's vision for the area as set out in the Ancoats and New Islington Regeneration Framework (as updated November 2016) is "to guide the positive regeneration of the area comprehensively and to deliver an attractive and successful residential-led neighbourhood with opportunities for a wider mix of complementary uses where increasing numbers of people would choose to live, work and spend leisure time".
- 5.38 The 2016 City Centre Strategic Plan recognises that Ancoats and New Islington are increasingly growing in popularity as places to live. The extension of the city centre boundary to include Ancoats and New Islington increases the overall population of the city centre to almost 50,000 people.
- 5.39 The expanded city centre neighbourhoods are seen as locations where young and skilled workers will choose to live, but also where a broader population, including retirees will choose to live. The City Centre Strategic Plan outlines Ancoats and New Islington as an opportunity to deliver a range of housing tenures to meet demand. Therefore, it is important that the mix of licensed premises within this area should complement the needs of the local community.
- 5.40 The Northern Quarter is the centre for creativity within the city centre and with plans to expand this eastward into Ancoats and New Islington, there is a high likelihood that the vibrant night time economy that has developed in the Northern Quarter would also seek to extend into Ancoats and New Islington.
- 5.41 The aim of the special policy is not to block all forms of development and so does not impose quotas on the number or type of licensed premises permitted or the capacity of those premises. However, controlling the lateness of the hours for licensed premises is regarded as particularly important, having regard to the predominantly residential character of the Ancoats and New Islington neighbourhoods.
- 5.42 With this in mind, the Council considers that a terminal hour of 11pm (midnight on Friday and Saturday) is appropriate in this area in order to prevent issues that can arise with the night time economy during later hours, particularly such as increases in noise from patrons coming and going to licensed premises; anti-social behaviour; litter; and alcohol-related crime and disorder; which would undermine the promotion of the licensing objectives locally.

- 5.43 This approach is supported in paragraph 14.48 of the Guidance<sup>1</sup>, which states “As part of its licensing policy, the licensing authority may also wish to consider the use of alternative measures such as fixed closing times, staggered closing times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives”.
- 5.44 The Council recognises the Government’s recommendation at 10.15 of the Guidance that ‘shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours’. However, in this locality, it is considered appropriate to restrict the hours permitted for the sale of alcohol.
- 5.45 The Council will not use this Special Hours Policy as grounds for revoking an existing licence or certificate when relevant representations are received about problems with those premises.
- 5.46 The Council will regularly review the special policy in place.

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<sup>1</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

## **6 What we aim to encourage**

- 6.1 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 through a diverse array of licensed premises, not simply focused on the consumption of alcohol.
- 6.2 Therefore, we aim to encourage:
- Premises that will extend the diversity of entertainment and attract a wider range of participants
  - Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
  - National cultural institutions (such as the National Football Museum, National Cycling Centre and Royal Opera House Manchester), global sports events and cultural festivals (such as Manchester International Festival)
  - Non drink-led premises including restaurants, cafes, theatres and cinemas

### **Communication and integration with local residents and businesses**

- 6.3 The licensing authority considers it extremely important that licensed premises operate as good neighbours within their community.
- 6.4 Licensees are encouraged to consult with local residents, businesses and local councillors 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.
- 6.5 Licensees are expected to communicate 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 address. 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.

### **Partnership Working**

- 6.6 The licensing authority is keen to promote partnership working between agencies and the licensed trade. A range of initiatives is delivered aimed at ensuring the promotion of the licensing objectives throughout Manchester including:

- Multi-agency enforcement including proactive monitoring and inspections of licensed premises as well as test purchase ('mystery shopper') operations
  - Joint-agency action planning with problem premises
  - Joint consideration of licence applications to ensure a consistent and holistic approach that is agreed between all agencies
  - Regular e-newsletters to the trade with updates on topical licensing issues
  - The establishment of Public Space Protection Orders (previously Designated Public Protection Orders) to restrict alcohol being consumed publicly
  - Introduction of voluntary trade schemes such as 'Reduce the Strength'
  - Conducting training in responsible alcohol service, safeguarding and awareness of child sexual exploitation
  - Attendance and participation in local community meetings and workshops
- 6.7 Whilst the authority is keen to promote partnership working by the trade, it is recognised that partnerships will operate most effectively where there is active participation and engagement by the trade, and the authority will generally leave operators to participate voluntarily in such schemes rather than have this enforced upon them.

### **Pubwatches, off-licence forums and other crime reduction partnerships**

- 6.8 Such schemes are often described as the licensed trade's equivalent of Neighbourhood Watch; where members regularly exchange information about incidents, known troublemakers, and crime prevention advice through official data protection agreements. The operation of collective banning policies and enforcing exclusion orders are also seen to be an essential part of crime prevention in an area or neighbourhood.
- 6.9 Effective pubwatches, off-licence forums and business crime reduction partnerships require reliable communication systems as well as unity of action. Communication can take place via a secure intranet for members only, at face-to-face meetings, as well as radio links or 'ring-round' phone systems within an area or neighbourhood where a cluster of licensed premises are located.
- 6.10 Active participation in such schemes are demonstrations of good practice by the licensed trade and the licensing authority encourages licensees to take part in existing schemes or seek to establish new ones where none currently exist. In turn, we endeavour to provide as much support as possible. For further details of any of the schemes operating in Manchester or if you have an interest in developing a brand-new scheme, contact Manchester City Council's Licensing Unit.

## **CityCo Manchester Business Crime Reduction Partnership / City Centre Radio Scheme (NITENET)**

- 6.11 Manchester Business Crime Reduction Partnership is a partnership between Greater Manchester Police, Manchester City Council, CityCo and other agencies to work with businesses in managing out crime. The partnership enables the collation of information on incidents as well as active/suspected/known criminals under strict data protection protocols and access is incorporated as part of the subscription to the City Centre Radio scheme (NITENET).
- 6.12 NITENET provides a valuable service to operators of licensed premises by facilitating the sharing of 'live' information; enabling them to work pro-actively together as and when issues arise locally. The radio link is also connected to the Council's CCTV control area, enabling camera operators to assist when circumstances allow.
- 6.13 Images of known and excluded offenders are shared through a secure members' only intranet (DISC), so businesses can, when used in conjunction with the radio network, effectively prevent those individuals from gaining access to the premises, on a "barred from one barred from all" principle. In addition, the partnership works proactively to secure Criminal Behaviour Orders (CBO's) with statutory partners.
- 6.14 Premises are encouraged to engage with the partnership through the effective use of the NITENET radio scheme and DISC system.

### **Designing out crime in the layout of the premises**

- 6.15 The licensing authority encourages operators to give consideration, particularly at the design stage, to best-practice advice such as the 'Licensed Property: Security by Design' (BBPA) or at [www.securedbydesign.com](http://www.securedbydesign.com) (ACPO). There is general acceptance that the design of buildings and their surroundings are major factors affecting crime and, in particular, alcohol related disorder. It is recognised that certain elements in the design of licensed premises can promote or dissuade criminal behaviour at or near premises and also assist the ability of a licensee to exercise control over their premises. 'Designing out crime' principles seek to reduce or eliminate risks through the design or redesign of a licensed premises and the immediate surrounding area.
- 6.16 Good design can make a major contribution to both the prevention of crime and the reduction of fear of crime and must be the aim of all those involved in the development process.
- 6.17 'Secured by Design' (SBD) aims to achieve security for the building shell and to introduce appropriate internal and external design features that facilitate natural surveillance and create a sense of ownership and responsibility, in order to deter criminal and anti-social behaviour within the curtilage of the business.
- 6.18 Incorporating reasonable and realistic security measures during the design, build or refurbishment of a licensed venue, combined with good management practices, indisputably reduces levels of crime, fear of crime, and disorder.

- 6.19 The aim of the service is to assist in the design process to achieve a safe and secure environment for customers and staff, without creating a 'fortress environment'. Experience shows that including security measures at the design stage to address anticipated and predictable problems resulting from usage are both cost effective and more aesthetically pleasing than retrofit solutions.

## 7 Local Factors

- 7.1 The authority recognises that 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 not managed carefully, negative impacts can arise. Licensed premises are expected to be an asset to their local area through the promotion of the licensing objectives.
- 7.2 In accordance with the S182 Guidance, applicants are expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
  - Any risk posed to the local area by the applicants' proposed licensable activities
  - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks
- 7.3 Public sources of information that may be of use in understanding the local risks include:
- The Crime Mapping website
  - Neighbourhood Statistics websites
  - Manchester statistics in the "Statistics and Census information" pages of the Council's website, found under the 'Council and Democracy' section. This includes access to the 'Intelligence Hub' and a wealth of public intelligence such as Ward Profiles and socio-economic data
  - Local and ward plans and other Regeneration plans for the area available on the Regeneration pages on the Council website
  - The 'Your Neighbourhood' tool on the Council's website setting out local services in an area
  - Local councillors
  - Responsible authorities
- 7.4 This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises and locality when preparing their operating schedule, particularly when considering appropriate activities, hours and operating standards for the premises. It is expected that these would be assessed against the likely impact upon the promotion of the licensing objectives by their

premises. Applicants are encouraged to identify relevant Factors through risk assessment of local area for their premises before making the application.

- 7.5 Applicants are expected to address any Local Factors relevant to their premises. The matters identified are not exhaustive and, where its discretion is engaged, the licensing authority will have regard to any relevant matters raised in any representation that may fall outside them.

### **Identified risk factors specific to the licensed premises**

- 7.6 There are multiple and intersecting factors; some of which can be controlled by licensed premises and others that are clearly external e.g. pre-loading by customers, that influence the nature and extent of the risk of the impact of the operation of the premises on the licensing objectives.
- 7.7 Many of the factors are known to be compounding; for example, overcrowding can combine with patron intoxication, lighting, loud noise and poor ventilation to elevate the risk for a range of alcohol-related harms. Other factors have been shown to reduce alcohol-related harm, such as visibility of police and adequate lighting. These factors demonstrate the complex relationship between alcohol-related harm and licensed premises.
- 7.8 Relevant factors include:
- Physical design of the premises, including:
    - physical hazards arising from type and placement of furniture
    - lighting that facilitates deviance and increases anonymity
    - Insufficient and unclean toilets
  - Activities at the premises, including entertainment
  - Style of operation, particularly related to the likelihood of alcohol consumption
  - The potential for pre-loading by customers
  - Social mix of patrons
  - Patron type (age, gender)
  - Visible staffing of the local public realm, including policing, wardens, Street Angels etc.
  - The surrounding locality including:
    - public CCTV coverage
    - any pedestrian and vehicular pathways likely to be used by customers when leaving the premises late at night



- 7.9 Where its discretion is engaged, the licensing authority will have regard to such risk factors when assessing the relevance of, and the degree to which, operating measures will be appropriate to promote the licensing objectives.
- 7.10 Applicants are encouraged to state in their operating schedule whenever their proposed alcohol licence is not for vertical drinking, in order that appropriate conditions can be attached to the licence. If this is not done, relevant representations may be made on the basis of a risk that the premises will convert into a vertical drinking establishment, in which event the authority will consider whether preventive conditions are appropriate and proportionate.
- 7.11 Whilst it is recognised that the review process provides an ability to remedy any change in the style of operation of the premises that harms the licensing objectives, the licensing authority aims to prevent the risk of such problems occurring in the first place.

### **Evidence of pre-existing problems in the area**

- 7.12 Where its discretion is engaged, the authority will give particular consideration to the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales and noise complaints. Where there are demonstrable problems linked to the operation of licensed premises in the area and the evidence demonstrates problems with licensed premises in the area, the licensing authority will, in exercising its discretion, take this into consideration when deciding what (if any) steps are appropriate and proportionate in the individual case.
- 7.13 The authority is mindful of problems that can arise around the clustering of licensed premises; where a number of premises closing simultaneously can 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 or at takeaways.
- 7.14 Areas with a high density of licensed premises that operate as well-known entertainment zones draw in large numbers of legitimate users, a minority of whom may become caught up in unplanned violent or disorderly incidents, or may generate public nuisance, particularly if under the influence of alcohol. They may also attract a number of 'illegitimate' users who purposely target the area in order to exploit various criminal opportunities (for example, by using the anonymity of large crowds to conduct theft, or preying upon intoxicated and therefore vulnerable persons).
- 7.15 Frequent movement between venues might also increase the risk of issues as it increases the number of pedestrian journeys and associated opportunities for conflict within busy periods of the night. (Hadfield 2011)
- 7.16 The authority will also consider the impact of drinking in public places. Several areas of the city, including the city centre, are subject to Designated Public Place Orders (DPPO's) restricting alcohol in public spaces. DPPO's have been superseded by Public Space Protection Orders with effect from 2014.

## **Proximity of takeaways and off licences to nightlife entertainment areas**

- 7.17 Such premises typically lack the type of design and management provisions necessary to process the custom of a large intoxicated late-night customer base and may act as flashpoints for alcohol-related crime and disorder. Additionally, there is a risk of staff being subjected to threatening behaviour, physical violence, and property damage. Operators are encouraged to consider conflict management training and/or employment of door supervisors, where appropriate. However, where the authority's discretion is engaged, consideration may be given to restricting hours of operation to avoid the risk of such premises acting as flashpoints for crime and disorder.

## **Consistency with relevant Council strategies**

- 7.18 The Council recognises that a vibrant evening economy is important; both to the well-being of its residents and as a source of economic activity. Accessible district centres and local centres are important in creating a sense of place and focus and, therefore, central to creating neighbourhoods of choice.
- 7.19 Manchester City Centre and its district centres are places to shop, work, eat, drink, enjoy leisure activities, access services and increasingly to live.
- 7.20 Centres, in particular the City Centre and District Centres, have an important role as the focus for the City's evening economy. They are a hub for activity and thrive when they attract visitors from the surrounding neighbourhoods.
- 7.21 An aim for the city is to achieve a better balance of evening and night-time activities and a better distribution throughout the city. In some areas, concentrations of uses associated with the evening economy have led to problems with anti-social behaviour, while other parts of the City suffer from lack of activity during the evening. It is important that the uses within centres are carefully balanced so that evening / night-time uses are complementary to neighbouring uses.
- 7.22 Applicants are advised to have regard to any strategic documents produced by the Council for the area, which will provide an excellent reference identifying and understanding the aspirations and key issues in local areas (see Section 2 for more details).
- 7.23 If a relevant representation is made, the licensing authority will have the discretion to take such steps as are appropriate to promote the licensing objectives.
- 7.24 In exercising its discretion and in so far as doing so is appropriate and proportionate to the promotion of the licensing objectives, the licensing authority will aim to take such steps consistent with relevant priorities identified in the representation as set out by any relevant strategic document, such as a:
- Place Plan
  - District Centre Plan
  - Local Plan or Ward Plan

## **The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance**

- 7.25 Where its discretion is engaged, the licensing authority will 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. The potential impact on any local residents will be an important matter for consideration.
- 7.26 Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as:
- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
  - Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)
  - Prevention of disturbance by people outside the premises (e.g. smoking areas)
  - Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)
  - Disturbance caused by deliveries associated with licensable activities, including waste collection
- 7.27 The leisure and night time economy can be an important contributor to an area's appeal to work, live or visit there. However, each of our neighbourhoods is different to each other and services need to be flexible to meet these different needs. For example, whilst doorstep access to a thriving late-night time economy appeals to many living and working in the city centre, it will not be acceptable to those in other areas of the city.
- 7.28 Where its discretion is engaged, the licensing authority will give consideration to the appropriateness of hours applied for having regard to the location of premises and their likely effect on the promotion of the four licensing objectives. 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 appropriate and proportionate following a hearing.
- 7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.
- 7.30 Applicants are strongly encouraged only to apply for hours that they realistically intend to operate, as later hours are typically more likely to attract objections.

- 7.31 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.
- 7.32 Therefore, where its discretion is engaged, the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property.
- 7.33 Later hours will generally be more appropriate within the city centre than other areas due to the developed infrastructure in respect of managing a later night-time economy, such as the comprehensive integrated CCTV network; increased access to public transport; cleansing services; and a more visible enforcement presence. In mixed use environments, such as the city centre, noisier impacts are not always derived from actions of a small number of excessively anti-social individuals but can also come from large numbers of people going about the business of having a good time. Whilst such environments will not be expected to be completely noise-free and peaceful environments, the authority considers that noise affecting residential properties should remain within tolerable levels such that home life remains viable and restful sleep a possibility.
- 7.34 Where noise nuisances can be clearly identified as arising from the activities of customers of a specific licensed premises, or there is risk identified upon application of such nuisance occurring, where its discretion is engaged, the licensing authority may reduce the trading hours of licensed premises on the grounds of their noise impact, if it is determined that the licensing objectives will be undermined. Where objections are made to the lateness of the terminal hour, it would be appropriate for an applicant to engage with local residents and other parties to try to address the issues raised. The licensing authority would strongly encourage applicants to engage proactively prior to the making of an application and as appropriate when an application is pending.
- 7.35 Where its discretion is engaged, the licensing authority will not consider the fact that other premises in the vicinity already have similar hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

### **Proximity to sensitive uses**

- 7.36 Where the licensing authority's discretion is engaged, premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm, as well as groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or may be drawn to particular premises if they are licensed to sell alcohol at earlier times. Where its discretion is engaged, the licensing authority will give consideration

to the general demand for alcohol treatment in an area as a proxy indicator of problems.

### **The availability of transport to and from the premises**

- 7.37 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 (including if they are marshalled or not and between what times), in order to ensure customers are able to get home safely and without causing disturbance.
- 7.38 It is important that there is an adequate and effective supply of late night transport to service demand. Therefore, varied trading times may even the spread for demand in an area. Where the authority's discretion is engaged, consideration may be given to restricting operating hours to enable effective dispersal from the premises where considered appropriate for the promotion of the licensing objectives.

### **Ability to clean and maintain the street scene**

- 7.39 The night time economy presents particular service needs in relation to street cleaning to ensure the streets are cleansed following the departure of night-time crowds, but ahead of the arrival of other users the following morning. Use of mechanised equipment, or even broom sweeping, is often impractical when streets are busy with people, and litter continues to be discarded.
- 7.40 The licensing authority will expect operators to cleanse outside of their premises, particularly at the close of business. Further, where its discretion is engaged, the licensing authority will take account of the potential impact of the premises upon litter problems in the area and take such steps that are deemed appropriate and proportionate to address such issues. Consideration will be given to the number of rubbish bins in the area to adequately cope with litter levels, as well as the general cleanliness of the area.

### **Premises in proximity to the airport**

- 7.41 Licensed premises located within the vicinity of the airport are expected to consider how the sale of alcohol could adversely impact onward air travel safety. Additionally, while the sale of alcohol is not a licensable activity beyond airport security and does not fall within the remit of the licensing authority, alcohol retailers situated airside are strongly encouraged to adopt relevant standards as set out in Section 8 to help prevent offences under the Manchester Airport Byelaws and Air Navigation Order. The sale of alcohol to under-18s is an offence that applies anywhere and by any person.

## **8 Manchester's Standards to promote the licensing objectives**

- 8.1 Applicants are required to set out in their operating schedule the steps they propose to take in operating the premises to promote the licensing objectives.
- 8.2 We have identified the Standards that we expect of licensed premises in Manchester. For each Standard, we have set out relevant considerations, which may include specific expectations of the licensing authority. Therefore, applicants are advised to consider all Standards.
- 8.3 It is recognised that not all Standards will be appropriate to apply in every situation to every premises and applicants are not obliged to include all Standards in their operating schedule. However, applicants will be expected to consider and propose all Standards they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application. Applicants are encouraged to identify appropriate Standards through risk assessment of their premises before making the application.
- 8.4 The degree to which the Standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. For example, steps relevant to managing security and preventing drunkenness and nuisance are likely to be appropriate when later hours are applied for.
- 8.5 If a relevant Standard is not addressed, it is more likely that relevant representations will be received resulting in a hearing and the engagement of the licensing authority's discretion. Therefore, where applicants elect not to address the Standards identified, they are advised to include information explaining the omission. This might be because a risk assessment has shown the step to be unnecessary or because the item is already the subject of another consent e.g. planning permission or a statutory obligation.
- 8.6 Applicants are not restricted to only these Standards outlined in the Licensing Policy and it is proper that they address all matters they consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents, councillors or businesses in considering whether any additional matters may be relevant.
- 8.7 The authority expects any objection that proposes that a particular Standard should be considered relevant to demonstrate why the particular Standard is appropriate for the premises.
- 8.8 All persons, including responsible authorities, are expected to consider these Standards in relation to making any representation against an application.
- 8.9 The Standards are not exhaustive, and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.
- 8.10 Where a Standard relates to training, applicants are recommended to use specialised accredited training where available.

## **MS1 Implement effective security measures at the premises**

It is expected that all licensed premises have effective and appropriate security measures in place relevant to the style of operation.

A stricter approach to security measures will normally be taken to nightclubs and bars, especially when they are large venues.

Relevant security measures include:

### **Controlling entry to the premises**

Consideration should be given to how:

- Queues to the premises will be managed
- Underage or known offenders will be detected and refused entry
- Capacity will be controlled, and
- 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. Additionally, measures such as ID Scan machines could be implemented.

### **Effectively managing queues outside the premises**

Any queues are expected to be managed effectively to prevent any nuisance or disorderly behaviour. Consideration is expected to be given to:

- Identifying the areas where queuing will be permitted to take place
- If barriers are to be used, and
- Any times and capacity restrictions to be enforced

### **Employing SIA-registered door security**

The need for door staff should be regularly reviewed and risk-assessed and appropriate security employed in accordance with the assessment. The authority encourages improving accountability through uniforms, visible identification and establishing a senior security officer to oversee and document all activities. Door supervisors are expected to be clearly identifiable when on duty.

Management should maintain a register of door supervisors before duty to ensure all identities of door staff can be verified and SIA registrations are active.

The start time for door supervisors should be appropriate to capture the likely arrival of the majority of customers at peak times and they should be employed in appropriate ratios to customers, including an appropriate ratio of male/female door supervisors. It is expected that door staff remain on duty until the premises has closed and the customers have dispersed for the premises. The authority also considers it good practice for management, staff and door

supervisors to hold security briefings to exchange information and intelligence at the start and end of duty.

The authority encourages premises to support door supervisors to attain skills in behaviour management and negotiation.

Consideration should also be given to the use of SIA-Approved Contractor Scheme companies.

When employed, the authority will expect the defined roles and responsibilities of door supervisors to include:

- Controlling entry
- Recording incidents
- Assisting to facilitate transport for ejected, intoxicated and underage patrons
- Identifying and preventing drugs and/or weapons being brought on the premises
- Identifying intoxicated, disorderly, offensive and underage patrons
- Dealing with incidents of disorder at the premises, including crime scene preservation and management
- Assisting exit of customers to ensure the orderly dispersal of customers

### **Searching patrons entering the premises.**

The authority expects all nightclubs to have a documented policy setting out how searches will be conducted at entry. It is expected that other premises consider whether searches of customers entering the premises are required through risk assessment. Where searches are to be conducted, the authority recommends that a defined search policy be implemented.

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

- **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.
- **Circumstances under which searches will be conducted** – Risk assessments should be conducted to consider when searches are appropriate.
- **Location of where searches will take place** – Areas should be covered by CCTV and not be in isolated areas.
- **Use of detection devices to detect weapons and drugs and when and where they will be used** – Consideration for appropriate detection devices (e.g. knife arch, search wands) should be risk-assessed and employed as appropriate.
- **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.



## **Operating a documented glass policy for the premises**

In the UK, glasses and bottles are the most commonly used weapons in violence occurring in drinking environments. Incidents involving glass tend to result in more severe injuries.

The authority expects that high quality polycarbonate glass (PCG), should be used to reduce the opportunities for glass to be used as a weapon and opportunities for accidental glass-related injuries, both within licensed premises and on the streets, when appropriate. A documented risk assessment should be conducted for the use of glassware on the premises and safer drinking vessels.

Operators will be expected to be able to demonstrate how glass collections will be managed throughout the premises to prevent an accumulation of glassware at the premises, and how customers will be prevented from leaving the premises with glassware.

When the authority's discretion is engaged, consideration may be given to requiring all glassware to be replaced by high quality polycarbonate glass (PCG) alternatives, where appropriate and proportionate at 'high risk' premises, particularly in relation to alcohol-related violence.

## **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. In addition, appropriate monitoring of external areas, e.g. immediately outside the entrance to the premises, smoking shelters and beer gardens should be addressed where relevant.

CCTV provides an important tool not only in improving the perception of safety within premises but allows for the proper monitoring of the whole premises. If properly set up, it can also provide evidence if a crime is committed and so it is expected that the CCTV system should record clear images that will serve as valid evidence in a court of law.

Details of CCTV cameras should be provided (both internal and external). CCTV should be installed in liaison with, and to a standard approved by, Greater Manchester Police.

Consideration should be given to the location of alcoholic products in off-licence premises, particularly in relation to the ability of staff to effectively monitor the area in order to guard against the risks of shoplifting and to deter attempts by underage persons to purchase.

## **Responsible management of externally promoted events at the premises**

Promoted events may attract larger than usual crowds and particular promotions may have specific risks associated with them.

Where premises intend on having externally promoted events, operators will be expected to complete the promoter pro forma and notification given to GMP and the licensing authority at least 28 days before the event, to ensure the event is appropriately risk-assessed by the premises. Where externally promoted events are demonstrated to undermine the licensing

objectives at a premises and where its discretion is engaged upon a review of the licence, the licensing authority may impose a condition prohibiting such events at the premises.

## **MS2 Effective general management of the premises**

Effective management of the premises is integral to ensuring the operator's policies and procedures, as well as licence conditions, are actively enforced at the premises. The authority expects operators to:

- Ensure staff comply with legislation and house policies, including emergency procedures and preservation of a crime scene
- Provide staff with appropriate training in relevant legislation to their employment (including the licence conditions) and managing patrons
- Identify to police any illicit drug activity, prostitution, sexual assault and other offending occurring in and around the premises
- Conduct 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

Premises are also encouraged to display a venue policy of accepted standards of dress and behaviour.

The authority considers it appropriate for all bar staff to be skilled in and responsible for:

- Identifying intoxicated and underage patrons
- Managing unruly patrons and incidents
- Understanding legislative provisions for service to intoxicated and underage patrons
- Requesting age identification
- Reducing patron frustration and agitation by effectively managing behaviour

The authority encourages improving accountability by staff wearing uniforms, visible identification and establishing a senior bar staff member to guide and assist other staff.

The authority expects premises to ensure sufficient ratio of staff to patrons to ensure effective and efficient operation of the premises.

## **MS3 Responsible promotion and sale of alcohol**

All premises licensed to sell alcohol are expected to consider how any promotions could impact upon the mandatory licence condition for on-licensed premises prohibiting irresponsible promotions (see Appendix 3). Where any promotion results in an adverse impact

upon the licensing objectives, it should be ceased with immediate effect. All premises should be able to demonstrate how promotions will be risk assessed and effectively managed.

The licensing authority considers products that encourage rapid down-in-one drinking present a high risk to the promotion of the licensing objectives as they encourage people to drink more than they might ordinarily do and in a manner that undermines the licensing objectives. A stricter approach will be taken towards premises offering any of the following:

- 'Bomb-shots', shooters and similar products
- Large volumes of alcohol for self-service
- Promotions that require a minimum purchase amount of alcohol

Consideration may also be given to prohibiting inducements by DJs to consume greater quantities of alcohol.

Off licence premises should give particular consideration to alcohol promotions at the premises, including the location within store of any promotional activity.

The licensing authority is keen to ensure only responsible promotions of alcohol are conducted on licensed premises and would expect that no alcoholic product is sold at a price less than the cheapest non-alcoholic drink available, excluding any potable water that must be provided to customers in accordance with the mandatory licence condition.

It is mandatory for every sale or supply of alcohol to be authorised by a person who holds a personal licence and a record of named authorised persons should be available at the premises at all times (so-called 'letter of delegated authority'). In addition, 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. The authority considers it appropriate for multiple personal licence holders to be on the premises where the premises:

- Has more than one bar
- Is large
- Is likely to attract a high proportion of 18-25 year olds
- In areas experiencing problems of alcohol-related crime and disorder

### **Implementing effective measures to identify and manage drunkenness on the premises**

Patron intoxication at licensed premises is recognised as a principal contributor to alcohol-related harm. Most measures intended to limit customers becoming intoxicated rely on action being taken by the management and staff at the premises.

Premises licensed for the sale of alcohol for consumption on the premises should have a written policy in relation to preventing, identifying and managing 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.

Consideration should be given to:

- Taking practical steps to prevent drink-driving e.g. designated driver scheme
- Displaying information and posters throughout the premises that staff have a duty to prevent the sale of alcohol to customers who are drunk
- Ensuring alcohol-free options are readily available and affordable
- The use of till prompts and written or electronic records of refused sales
- Ensuring alcohol-free options are readily available
- Limiting the alcoholic strength % abv inside different beverage categories e.g. beers, lagers, ciders, wines
- Managing the volume of alcohol sold e.g. products that encourage rapid down-in-one drinking or large quantities for self-service
- Instructing glass collectors and/or roaming staff how to identify drunk customers being bought alcohol by companions on their behalf
- Providing a duty of care for drunk and incapable customers providing a safe space for welfare or first aid while getting further help
- Making appropriate arrangements to ensure the safe transport home of vulnerable customers or requesting medical assistance when needed

### **Server Training in responsible service of alcohol**

The authority expects alcohol licensed premises to demonstrate a commitment to responsible service of alcohol at the premises by ensuring staff involved in the sale of alcohol are fully competent to do so.

All staff at the premises should receive comprehensive induction training prior to being authorised to sell alcohol and refresher training delivered regularly with training records maintained that detail: the content of the training, date, name and qualifications (if any) of the trainer, signatures of the trainer and trainee. Training is expected to include:

- Evidence that the trainee has gained knowledge / understanding of the training (for example, a test or quiz, completed and signed by the trainee)
- The nature of alcohol and its effects as well as unit awareness
- What affects how quickly a person becomes drunk
- How over-service of alcohol impacts on the four objectives of the Licensing Act 2003
- The penalties for selling alcohol to a person who is drunk
- How to make a refusal

- How to record a refusal
- How to recognise drunkenness from a checklist of visible signs
- How to monitor for companions buying alcohol on behalf of a person who is drunk
- What to do with a vulnerable person and how to identify a medical emergency
- The premises policy to ensure the premises operates legally and responsibly to prevent, identify and manage drunkenness

Management will be expected to ensure these policies are enforced in practice.

## **MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises**

A zero-tolerance policy should be implemented regarding the use of illegal drugs and new psychoactive substances (NPS), commonly referred to as 'legal highs', on the premises. The mixing of cocaine use and alcohol has been linked to greater levels of social and physiological harm than the use of either substance individually, including propensities to violence. In addition, in accordance with the S182 Guidance, the licensing authority considers that the sale and use of new psychoactive substances, including nitrous oxide, undermines one or more of the licensing objectives.

Where there is a risk of illegal drug use on the premises, the authority expects that a documented policy setting out 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 authority considers that nightclubs, in particular, address these risks but it may also be appropriate for other licensed premises.

Relevant considerations could include:

- The use of toilet attendants or regular documented toilet checks
- Searches of the premises
- Training of staff in drug awareness to identify and prevent the supply and use of both illegal drugs and new psychoactive substances.
- Physical measures to deter drug use on the premises

Licensees should also consider what action will be taken to prevent the spiking of drinks at the premises i.e. where drugs or alcohol are added to someone's drink without them knowing. Alcohol is the common substance used to spike drinks. This could include encouraging customers to ensure that drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.

Licensees should also have reference to "Safer nightlife: best practice for those concerned about drug use and the night-time economy" published by the Home Office and London Drugs Policy Forum.

The licensing authority considers that the sale and use of new psychoactive substances (NPS), including nitrous oxide, undermines one or more of the objectives. Responsible authorities will closely monitor any licensed premises that may be selling so-called 'legal highs' including nitrous oxide and enforcement action will be taken as appropriate.

The authority will consider whether there is evidence that it would be appropriate to impose a condition specifically in order to promote one or more of the statutory licensing objectives, including public safety and protecting children from harm.

Relevant conditions may include preventing the sale of such products alongside the sale of alcohol at licensed premises (including off licences), this could also include imposing a door policy for on licensed premises.

## **MS5 Prevent on-street consumption of alcohol**

Manchester City Council has previously implemented Designated Public Place Orders (DPPO's) in areas throughout Manchester in order to help address and prevent numerous problems caused by public consumption of alcohol. With effect from 20<sup>th</sup> October 2014, any new or renewal of such orders are known as Public Space Protection Orders (PSPO's). 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. Licensees should ensure all staff are aware of the DPPO/PSPO when situated within the designated area and reinforce the "No Street Drinking" warning at point of sale.

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, such as the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, that would appeal to underage drinkers or street drinkers, or that encourage excessive consumption.

## **MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies**

Procedures are expected to be in place at the premises to initiate 999 calls when an emergency concerning a person's physical safety is in progress.

It is expected that premises licensed to sell alcohol for consumption on the premises, especially those trading during later hours, and takeaways implement appropriate measures, which could include the employment of designated welfare staff and trained first aiders, as well as take steps to identify vulnerable person(s) and respond to accidents, injuries and other immediate harms such as unconsciousness, alcohol poisoning, and drug intoxication.

## **MS7 Maintain a safe capacity**

Overcrowded venues can contribute to alcohol-related harms in several ways, often through interrelationships with other risk factors.

In crowded venues, patrons tend to drink more alcohol to overcome discomfort and anxiety associated with crowding. Crowding also interferes with the ability of staff to determine if a patron is intoxicated, stemming from:

- Pressure to serve quickly, reducing attention to the indicators of intoxication
- Patrons purchasing drinks on behalf of other patrons
- High levels of noise, impairing the ability of staff to hear verbal cues of intoxication, as well as verbal confrontation that may lead to aggressive acts (Doherty & Roche 2003)

These factors may also adversely influence the desire and capacity of staff to assess and seek confirmation of proof of age by purchasers of alcohol, potentially leading to service of underage patrons.

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

Potential measures to prevent crowding in licensed premises include:

- Designing or redesigning premises to assist traffic flow and prevent congestion
- Removing or limiting physical barriers such as seats and tables in high traffic areas
- Incorporating monitored surveillance to identify problems and assist investigations
- Seeking planning opinions from local council, health and other providers
- Complying with patron numbers set out in the fire risk assessment
- Setting and adhering to minimum staff to patron ratios for bar, management and security staff
- Monitoring patron numbers and limiting or eliminating pass outs
- Displaying signage regarding maximum capacity

## **MS8 Prevent noise nuisance from the premises**

Noise disturbance from licensed premises normally arises two ways. The first is in noise breakout from licensed premises themselves, which affects adjacent properties either via transmission through the structure of the building, or through airborne sound. This can be caused by noise from music, vibration and/or raised voices.

Research has identified seven factors that influence the magnitude of the people's subjective response to noise. These are: sound level, background (ambient) level, differences between listeners, the context into which the sound intrudes, music type, bass level and bass beat.

Low-frequency energy is also more transmissible over distance and through building structures and tends not to be present in the background noise environment. The introduction of a low-frequency bass-beat will therefore be more noticeable to nearby residents, particularly late at night.

Consideration should be given to the risk of nuisance from music breakout to the premises and include all appropriate measures. Relevant measures could include:

- The provision of acoustic glazing
- The installation of sound limiters linked to any sound amplification equipment at appropriate levels
- The provision of acoustically treated ventilation
- The installation of an acoustic lobby at entrances and exits to premises to act as a physical barrier between the inside of premises and the outside environment
- Prohibition of the external playing of amplified music
- Restriction of the hours of operation of outside drinking areas
- Establishment of maximum noise levels
- The provision of a scheme of internal acoustic treatment to the premises.

The second source of noise disturbance emanates from activities in the street, typically from patrons arriving, using external areas such as smoking areas or designated drinking areas/beer gardens, or upon leaving the premises.

Licensed premises need to ensure the orderly conduct of customers from the premises. Relevant considerations include:

- Use of a last entry time to the premises to reduce the possibility of persons causing noise and disturbance late at night who may have been attracted to the premises
- Prominent display of notices requiring courtesy for neighbours
- Preventing customers from congregating outside
- Imposing a curfew on times that re-admittance will be permitted to customers e.g. customers leaving the premises to smoke
- Directing to and advising on 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 dispersal and smoking policies based upon good practice
- Use of a winding-down period
- The role of door supervisors in managing persons leaving

### **MS9 Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway)**

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

### **MS10 Operate effective cleansing arrangements; including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse**

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 to 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 appointment of dedicated staff responsible for the inspection and collection of discarded litter, the placing of litter bins in prominent areas of the premises, reducing packaging, and the use of branded packaging. Premises are expected to take a proactive approach to preventing litter issues arising from the premises, for example, by displaying prominent notices at the premises; using reduced packaging; or labelling on their tickets or packaging to encourage responsible behaviour.

Any external smoking area(s) used by patrons of a premises is expected to be cleaned routinely when the area is in use and be free of litter at the end of trading each day.

Any street urination by patrons is expected to be cleaned by the premises by washing the area down and measures put in place to prevent repeat issues.

Commercial waste left outside premises overnight for collection is a major cause of night time litter and adds significantly to the cost of street cleaning.

Areas in which licensed premises and takeaways are bunched tend to have the highest footfall and consequently place the greatest demand on cleansing teams. The worst of the litter can be found around congregation areas, such as bus stops, club entrances, fast food outlets, and convenience stores.

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 and businesses.

The irresponsible use of flyers can also 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. The use of flyers may be restricted in areas experiencing problems with litter associated with licensed premises.

## **MS11      Ensure the wellbeing of children 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. 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.

Relevant considerations could include:

- Will access be restricted to certain areas of the premises?
- Will alcohol sales to adults in charge of children be limited?
- 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?
- How will children be protected from alcohol advertising and promotions?
- How will children be protected from adults who are intoxicated?

- Arrangements to prevent children from acquiring or consuming alcohol
- Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol
- Steps to prevent children from being exposed to drugs, drug taking or drug dealing
- Arrangements to prevent children from being exposed to gambling
- Steps to prevent children from being exposed to entertainment of an adult or sexual nature
- Steps to prevent children from being exposed to incidents of violence or disorder
- Measures to prevent children from being exposed to environmental pollution such as excessive noise
- Measures to prevent children from being exposed to special hazards such as falls from height
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Restrictions on the access by children to the whole or any part of the premises, including times when children may not be present
- Means for ensuring that nominated persons supervising children are suitable. To include training in supervising adults in safeguarding principles and, where necessary, disclosure from the Disclosure and Barring Service

A stricter approach to permitting the presence of children will be taken where any of the following apply:

- Convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, underage drinking
- A known association with, or inadequate arrangements to deter, drug taking or dealing
- A strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines)
- Entertainment of an adult or sexual nature is provided
- Inadequate arrangements to protect children from the supply and use of other products that are illegal to supply to children
- There are inadequate controls on the times during which children may be present on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

Where relevant representations are received, conditions may include:

- Limitations on the hours when children may be present
- Age limitations below 18
- Limitations or exclusions when certain activities are taking place
- Access limited to parts of the premises
- Requirements for accompanying adults
- Full exclusion of under 18s from the premises when any licensable activities are taking place

### **Defining a specified cut off time for children on the premises**

The licensing authority will not impose conditions that restrict or prevent access by children unless relevant representations are made and doing so is considered appropriate to promote the licensing objectives. Where relevant representations are received, the licensing authority may seek to ensure that children are not permitted to enter or remain on licensed premises after a 'specified cut off time' by attaching an appropriate licence condition.

In determining a 'specified cut off time', the licensing authority will take into account:

- The concerns raised by responsible authorities and other persons
- The steps set out in the operating schedule that the applicant will take to protect children from harm on such premises
- The type of event for which no age restriction may be needed e.g. family entertainment; non-alcohol event

### **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.

### **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.

### **Displaying child welfare and CSE 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 as well as child sexual exploitation (CSE). This can include reporting to Manchester Safeguarding Children Board ([mcsreply@manchester.gov.uk](mailto:mcsreply@manchester.gov.uk)), telephoning the 24-hour Contact Centre for Social Care (0161 234 5001) or dialling 999 in the event of an immediate risk of harm.

## **MS12 Prevent underage sales of alcohol, including proxy sales**

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

In accordance with the mandatory licence conditions, all premises licensed to sell alcohol are required to have an age verification system in place. The licensing authority's preferred approach is Challenge 25, whereby any person considered by the seller to be under the age of 25 is required to provide proof they are aged 18 or over. Documented staff training is expected, particularly in relation to activities consistent with the licensing objectives, including (but not limited to):

- Any access restrictions to the premises by children
- The law in relation to young people and alcohol/ age restricted goods
- What are age restricted goods
- How to monitor for proxy purchase
- The penalties for making an underage sale
- How to make a refusal
- How to record a refusal
- Types of acceptable ID and how to check it
- The four objectives of the Licensing Act 2003
- The premises policy to ensure the premises operates legally and responsibly to prevent underage sales
- Any restrictions on the sale of alcohol to adults in charge of children
- Raising awareness of child sexual exploitation, how to recognise it and how to react

The authority expects staff to receive induction training prior to being authorised to selling age restricted goods and refresher training must be delivered regularly. Training records must be maintained and detail: the content of the training, date, name and qualifications of the trainer, signatures of the trainer and trainee. Training records must also include evidence that the trainee has gained knowledge / understanding of the training (for example, a test or quiz, completed and signed by the trainee).

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

## **9 Alcohol Delivery Services**

- 9.1 The authority considers there are particular risks associated with delivery services for alcohol. The authority expects measures consistent with relevant Standards expected for licensed premises outlined in Section 8 of this Policy in conjunction with the specific provisions of this Section:
- 9.2 The authority expects operators to implement age verification procedures at both the point of sale and delivery stages, with Challenge 25 policy implemented at the point of delivery.
- 9.3 Particular attention should be paid to making it clear to customers that receipt of orders that contain alcohol must be by an adult. Retailers should ensure that delivery staff have been given appropriate training in procedures relating to requesting and identifying proof of age, and implement these procedures as standard.
- 9.4 Any promotional material including the name of the business and website should be consistent with the responsible sale of alcohol. Additionally, any website URL or telephone numbers to be used for orders is expected to be provided to the licensing authority.
- 9.5 A zero-tolerance approach to new psychoactive substances (NPS) is also expected of operators.
- 9.6 The delivery of alcohol to problematic house parties causing local nuisance and disorder has been a problem in some areas of the city. Operators are expected to use their discretion to ensure that deliveries are refused in situations experiencing alcohol-related nuisance or disorder and to ensure that alcohol is not given to persons who appear drunk.
- 9.7 Where the authority's discretion is engaged following relevant representations, conditions restricting the operation of alcohol delivery services may be imposed by the authority where appropriate for the promotion of the licensing objectives.

## **10 Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)**

- 10.1 Where its discretion is engaged, the licensing authority will have regard to the following additional matters in respect of applications to provide adult entertainment, including entertainment of a sexual nature, e.g. nudity, striptease and lap dancing.
- 10.2 For premises that wish to provide such entertainment, the authority will also take into account the location of the premises in relation to their proximity to the following sensitive uses (in addition to the Local Factors in Section 7):
- Housing and residential accommodation
  - Schools, play areas, nurseries, children's centres and other educational establishments
  - Family shopping and leisure areas
  - Places of worship
  - Historic buildings and tourist attractions
  - Other places where such entertainment takes place
- 10.3 Additionally, the licensing authority expects licensees to consider additional measures in their operating schedule when applying to provide adult entertainment if they are considered 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
- 10.4 It is expected that any codes of conduct would be developed in consultation with the licensing authority and Greater Manchester Police having regard to the Council's Policy and Standards Condition for sex establishments.



## **11 The use of tables and chairs on the public highway**

- 11.1 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 Licensing Unit.
- 11.2 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.
- 11.3 Where these areas include the provision of any licensable activities, including the sale of alcohol where a temporary bar is provided in the area, they must be included in the plan attached to the premises licence or club premises certificate.
- 11.4 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 as set out in the Standards in Section 8 of this Policy.

## **12 Premises licences for large-scale public events**

- 12.1 The authority considers that there are specific risks associated with the holding of large public events, such as concerts and festivals. Therefore, this section sets out particular expectations as to how such events are expected to be managed. The policy does not define what events will be expected to comply with this section and, if in doubt; applicants are advised to seek advice from the Licensing Unit. Manchester City Council's Events 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 contact them in the first instance.
- 12.2 In considering applications for such events, the licensing authority will have particular regard to any track record of the event organiser as well as the comprehensiveness of the event arrangements.
- 12.3 Licensees are expected to have regard to the management standards in Section 8 of the Licensing Policy as well as address the following elements:
- a) Setting up a management group for the event comprising of relevant agencies including, but not limited to all responsible authorities.
  - b) Overall event safety control
  - c) Production details
  - d) Medical and first aid provision
  - e) Site management and the structural integrity of all temporary structures
  - f) Crowd management, stewarding and security
  - g) Fire safety and control
  - h) Configuration and control of sound systems
  - i) Management of any on-site and off-site car parking
  - j) Management of concessions and franchises
  - k) Provision and maintenance of water supplies
  - l) Welfare and provision of information
  - m) Provision and maintenance of sanitary facilities
  - n) Reception collection and removal of litter and other waste
  - o) Liaison with local residents and businesses
- 12.4 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) Responsible alcohol service
  - ii) The designated premises supervisor
  - iii) Personal Licence holders
  - iv) Control of the sale of alcohol
  - v) Proof-of-age policy
  - vi) Promotion of responsible drinking
  - vii) 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 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

12.5 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:

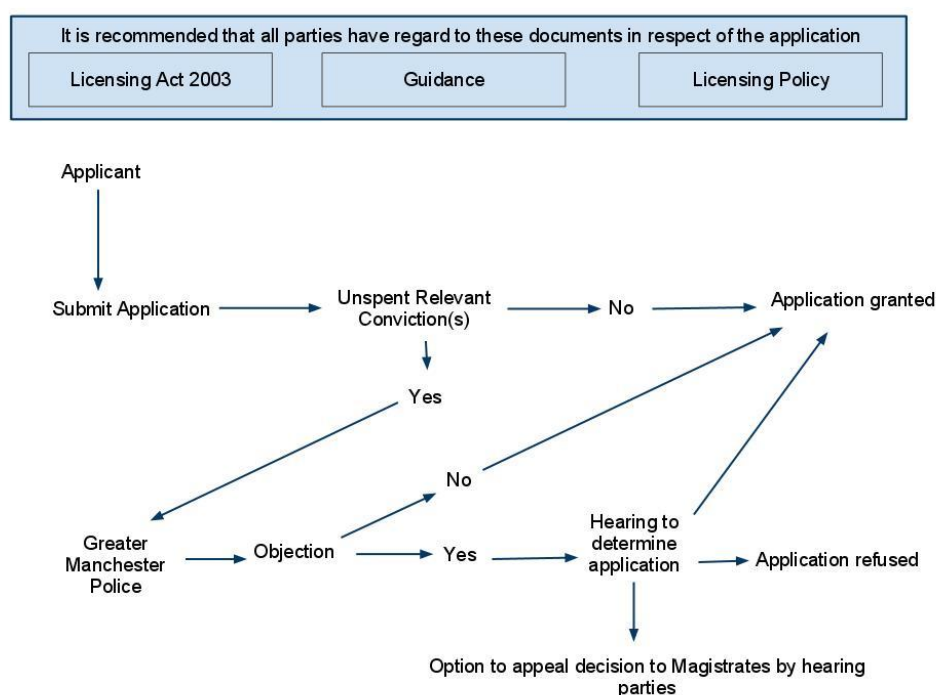
- Putting in place plans that will assist to minimise disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event

- 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

12.6 Licensees are expected to 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’.

## 13 Personal Licences

- 13.1 A Personal Licence authorises a person to sell or supply, or authorise the sale or supply, of alcohol on a licensed premises.
- 13.2 A Personal Licence is granted by the local authority where the person ordinarily resides and has effect until surrendered or revoked. The licence is portable although changes of home address must be notified to the issuing licensing authority.
- 13.3 In order to be eligible, a person must:
- Be 18 years or over
  - Possess an accredited licensing qualification
  - Have not forfeited a Personal Licence in the past five years
  - 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)
- 13.4 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 appropriate based upon a likely breach of the crime prevention licensing objective.
- 13.5 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.



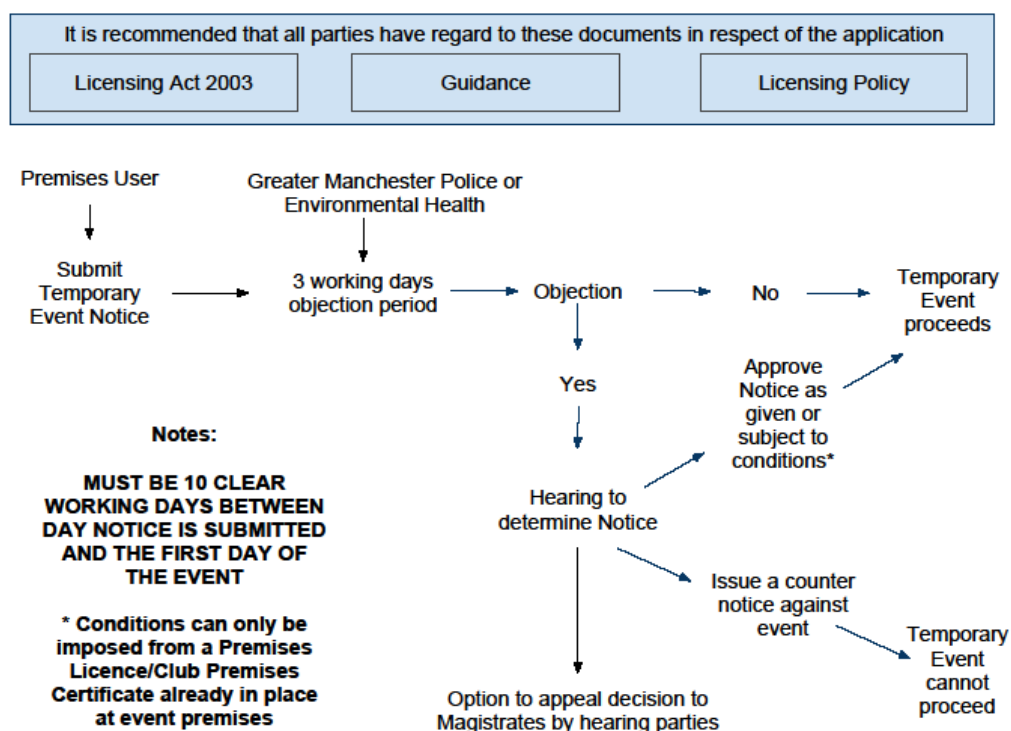
## 14 Temporary Event Notices

- 14.1 Temporary event notices, commonly referred to as TENs, can be used to authorise premises for licensable activities for temporary periods or specific occasions.
- 14.2 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.
- 14.3 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.
- 14.4 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 five times per year for other people)
  - The number of times a temporary event notice may be given for any particular premises (15 times in a calendar year)
  - The length of time a temporary event may last (168 hours or seven days)
  - The scale of the event in terms of the maximum number of people attending at any one time (fewer than 500)
- 14.5 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 ten working days before the event to which it relates
- A late TEN is given not before nine and not later than five working days before the event

### Standard Temporary Event Notices

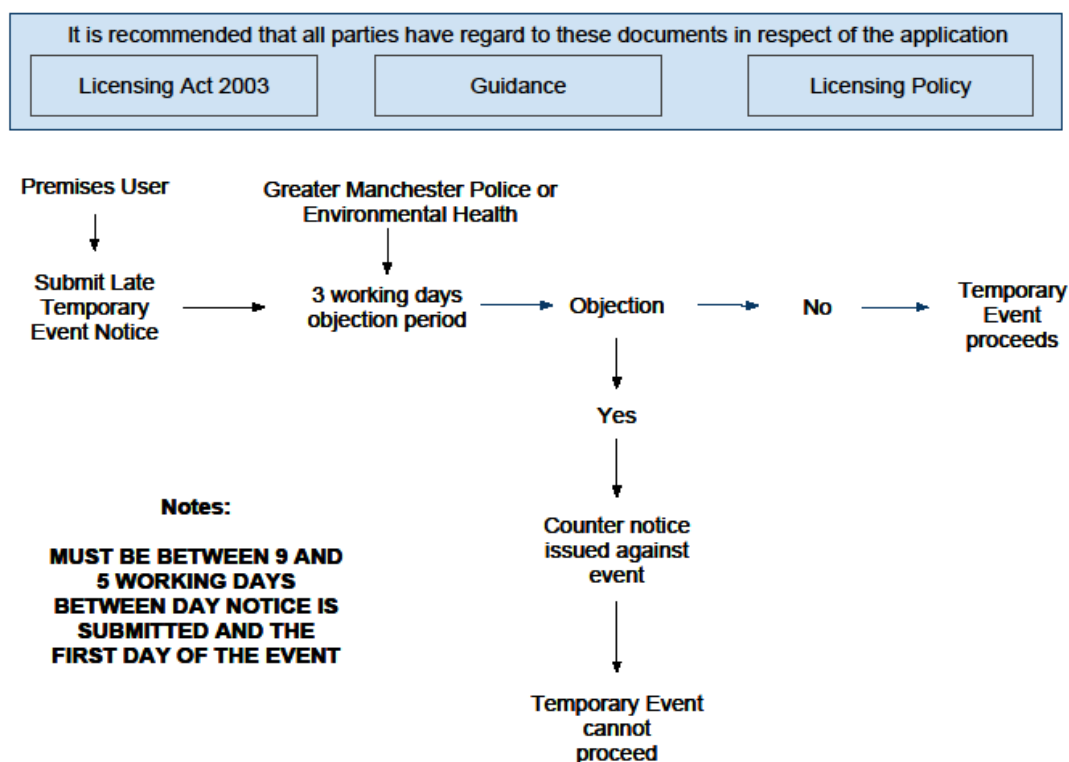
- 14.6 Standard temporary event notices must be submitted to the licensing authority no less than ten working days before the first day of the event. A 'working day' as defined by the Licensing Act is any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday 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.

- 14.7 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.
- 14.8 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 received (and not withdrawn), a hearing will be held to determine whether the event may proceed.
- 14.9 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.
- 14.10 The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice.
- 14.11 Where the notice is in connection with licensable activities at a premises that 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 that includes a statement of the conditions imposed. Copies of this notice will be provided for the police and Environmental Health.
- 14.12 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives; the policy is to issue a counter-notice against the temporary event notice.



## Late Temporary Event Notices

- 14.13 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.
- 14.14 A maximum of ten Late TENs per year can be submitted by a Personal Licence holder, and two 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, and ten 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.
- 14.15 Late temporary event notices must be submitted to the licensing authority no more than nine working days and no less than five 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.
- 14.16 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 and 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.





## **15 Designated Premises Supervisors**

- 15.1 Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the designated premises supervisor (DPS).
- 15.2 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.
- 15.3 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 on the prescribed form and be accompanied by the specified documents and fee.
- 15.4 Responsible authorities will typically consider developing constructive working relationships with designated premises supervisors, and the licensing authority expects this to be reciprocated to promote effective partnership working relations with the trade.
- 15.5 The S182 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 by the premises licence holder 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 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.
- 15.6 In exceptional circumstances, the police may object to the appointment of an individual as a designated premises supervisor.
- 15.7 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.

## **16 Enforcement and monitoring**

- 16.1 It is essential that licensed premises comply with the terms of their licence and other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so.
- 16.2 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.
- 16.3 Enforcement action will be 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.
- 16.4 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.
- 16.5 Where premises are demonstrably participating in and contributing to recognised partnerships to pro-actively prevent and address issues e.g reporting crimes to the police; such information will not be considered to the detriment of the premises unless there is evidence that the licensing objectives are being undermined at that premises.
- 16.6 Where possible, the licensing authority would expect responsible authorities to work closely with any operator in order to successfully resolve issues before formal action is considered.
- 16.7 The licensing authority and partner agencies shall continue to work with all of the licensed trade through the provision of advice, information, education and training, as well as the promotion of good practice and behaviour and, in the first instance, licensees will normally be given the opportunity to demonstrate their ability to achieve compliance.
- 16.8 However, where this opportunity is not taken, further failure to promote the licensing objectives will normally result in formal measures being taken, such as 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. Additionally, where offences are committed, prosecution may be considered as well as a review being brought.
- 16.9 Responsible authorities will closely monitor any licensed premises that may be selling so-called 'legal highs' including nitrous oxide and enforcement action will be taken as appropriate.
- 16.10 The authority does not expect premises, particularly off-licences, to supply alcohol to any person who wishes to pay for it a later date. Any evidence that suggests an off-

licence is illegally lending money to consumers will be reported to the Illegal Lending Money Team and a review of the licence shall be considered.

- 16.11 All licence and certificate holders are expected to routinely review their local circumstances and the impact of their premises. Where appropriate, action should be taken to ensure the premises operate in a manner that promotes the licensing objectives. Where circumstances change, the licence or certificate may be varied in order ensure that all conditions remain appropriate and the premises is operating in compliance. Depending on the circumstances, the minor variation process set out at Section 17 may be appropriate.
- 16.12 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 to meet their legal obligations
  - Promptly acting on issues of concern to local communities
- 16.13 The responsible authorities are available to provide advice and support for licensees and members of the public in relation to any problems they may be encountering relevant to licensed premises.

### **Suspension for non-payment of fees**

- 16.14 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 club premises 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.
- 16.15 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.
- 16.16 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.

## **17 Minor variations**

- 17.1 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.
- 17.2 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.
- 17.3 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.
- 17.4 The licensing authority will also take into account any relevant representations received from any other person (who 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.
- 17.5 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.
- 17.6 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.
- 17.7 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
- 17.8 Applications to remove licensable activities will normally be approved as minor variations.
- 17.9 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. The licensing authority expects the applicant to clearly set out the reasons why the proposal could not adversely impact upon the variation. Where reasons are not provided, less weight will be given to the potential of the variation to not adversely impact on the licensing objectives. Generally, applications to add conditions will be considered as an exception to this presumption.

17.10 The authority will take into account the following matters in considering whether licensing objectives could be adversely affected by a proposed change:

- Any change of circumstances
- Any increase in capacity resulting from the variation
- Any pre-agreement of the variation by responsible authorities
- Track record of the premises and applicant
- The measures in this Policy

## 18 Film classifications

18.1 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.

18.2 In accordance with the guidance issued under section 182 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 this is required to promote the licensing objectives.

18.3 The licensing authority considers the classification system used by the BBFC to be nationally understood and accepted. It will, therefore, use this system as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). However, it should be noted that the licensing authority is not obliged to follow these guidelines.

18.4 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 DVD copy of the film
- Details of any existing classification issued by an existing classification body, whether within or outside the UK
- 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
- Such recommendation as may have been made by the film-maker upon age limit for the intended audience for exhibition of the film
- 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		<a href="http://www.manchester.gov.uk/licensing">www.manchester.gov.uk/licensing</a>
Manchester City Council		<a href="mailto:premises.licensing@manchester.gov.uk">premises.licensing@manchester.gov.uk</a>
Level 1 Town Hall Extension		
PO Box 532		
Manchester		0161 234 4512
M60 2LA		0161 274 7249 (Fax)

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

### Licensing Authority

The Principal Licensing Officer		<a href="http://www.manchester.gov.uk/licensing">www.manchester.gov.uk/licensing</a>
Premises Licensing		<a href="mailto:premises.licensing@manchester.gov.uk">premises.licensing@manchester.gov.uk</a>
Manchester City Council		
Level 1 Town Hall Extension		
PO Box 532		0161 234 1176
Manchester		0161 274 7249 (Fax)
M60 2LA		

### Greater Manchester Police

GMP Licensing Partnership Team		<a href="http://www.gmp.police.uk">www.gmp.police.uk</a>
Level 1, Town Hall Extension		<a href="mailto:centrallicensing@gmp.police.uk">centrallicensing@gmp.police.uk</a>
Lloyd Street		
Manchester		0161 856 3363
M2 5DB		



## 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		<a href="http://www.manchesterfire.gov.uk/authority/">www.manchesterfire.gov.uk/authority/</a>
Greater Manchester Fire and Rescue Service		n/a
Manchester Central Fire Station		0161 608 5310
Thompson Street		
Manchester		
M4 5FP		

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




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

## Public Health Authority

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

## Health and safety




### Local authority premises, hospital premises and some university premises

Health and Safety Executive		n/a
Redgrave Court		n/a
Merton Road		0161 952 8200
Bootle		
Merseyside		
L20 7HS		




### All other premises

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

## Environmental Health

Environmental Health (Premises Licences)	 	<a href="mailto:OutofHours.Compliance@manchester.gov.uk">OutofHours.Compliance@manchester.gov.uk</a>
PO Box 532		0161 234 5004
Town Hall		
Manchester		
M60 2LA		

## Planning

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

## Trading Standards

Trading Standards Service  
1 Hammerstone Road  
Gorton  
Manchester  
M18 8EQ



[trading\\_standards@manchester.gov.uk](mailto:trading_standards@manchester.gov.uk)

0161 234 1555

## Manchester Safeguarding Children Board

Manchester Safeguarding Children Board  
c/o Licensing Officer  
Manchester City Council  
Floor 4  
Town Hall Extension  
Albert Square  
PO Box 532  
Manchester  
M60 2LA



[www.manchesterscb.org.uk](http://www.manchesterscb.org.uk)


[mscb@manchester.gov.uk](mailto:mscb@manchester.gov.uk)

0161 234 3330

## The Inland Navigation Authority

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

Peel Ports Ltd  
Engineering Workshops,  
Percival Lane,  
Runcorn Docks,  
Runcorn, Cheshire WA7 4UY

 <https://www.peelports.com/port-locations/manchester-ship-canal>



[n/a](#)



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## **Appendix 2: Relevant information for residents and other 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 premises certificates.

Further useful information and guidance can be found on the Council's website at [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing) and at <https://www.gov.uk/alcohol-licensing>

### **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](http://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

- 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), 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. 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 on request by emailing [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)

## **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 or responsible authority (see Appendix 1)
- (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

Level 1 Town Hall Extension  
Albert Square  
PO Box 532  
M60 2LA

**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 Local Factors and Standards, and consider their relevance in relation to the application. If you consider that an application has not addressed any particular issues in the Policy, 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 meanings; 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**

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 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 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 regarding 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 prior to any hearing.

### **Problems with existing premises**

Section 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 for the issues to be addressed.

Any person who is encountering problems related to a licensed premises should report the issue

**Web:** [www.manchester.gov.uk](http://www.manchester.gov.uk) or

**Telephone:** 0161 234 5004

Additionally, 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:

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

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

Petitions in respect of an application shall only be accepted if submitted by either a responsible authority or a 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 for premises licences and club premises certificates**

### **Door supervisors**

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

- Unauthorised access or occupation (e.g. through door supervision)
- Outbreaks of disorder
- 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**

**(Note: Conditions, 1 and 2 do not apply to club premises certificates. Conditions 4 to 7 only apply to premises licences and club premises certificates that authorise the supply of alcohol for consumption on the premises)**

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. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) 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 either –
    - (a) A holographic mark, or
    - (b) An ultraviolet feature.
4. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “Duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “Permitted price” is the price found by applying the formula–
 
$$P = D + (D \times V)$$
 where –
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “Relevant person” means, in relation to premises in respect of which there is in force a premises licence –
    - (i) The holder of the premises licence,
    - (ii) The designated premises supervisor (if any) in respect of such a licence, or
    - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “Value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 5. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) 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 –
    - (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 in a manner which carries a significant risk of undermining a licensing objective;
    - (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 in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 7. The responsible person must 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;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 5, 6 and 7 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

### **Club Premises Certificates**

The supply of alcohol for consumption off the premises must:

- Only be made at a time when the premises are licensed to supply alcohol to members of the club for consumption on the premises
- Only be made to a member of the club in person

Be in a sealed container

## **Appendix 4: Disapplication of mandatory conditions for community premises**

### **Community premises**

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

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

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

Where it is not clear whether the premises constitute a community premises, the licensing authority will approach the matter on a case-by-case basis. The main consideration in most cases will be how the premises are 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 (e.g. when the hall is hired to private parties), and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers, e.g. the Chairman, 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, 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 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: 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		If relevant representation made	If no objection made
Application for provisional statement		If relevant representation made	If no objection made
Application to vary Premises Licence/Club Premises Certificate		If relevant representation made	If no objection made
Application to vary Designated Premises Supervisor		In cases of police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		In cases of police objection	All other cases
Applications for interim authorities		In cases of police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases





<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing Subcommittee</b>	<b>Officers</b>
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police or Environmental Health 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 6: Glossary

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

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

<b>ACPO</b>	Association of Chief Police Officers (see <a href="http://www.acpo.police.uk">www.acpo.police.uk</a> )
<b>Applicant</b>	A person making an application for a premises licence or club premises certificate
<b>Application to vary a Premises Licence</b>	Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new premises licence
<b>ASB</b>	Antisocial behaviour
<b>BBFC</b>	British Board of Film Classification: the national body responsible for the classification of cinema films and videos
<b>BBPA</b>	British Beer and Pub Association (see <a href="http://www.beerandpub.com">www.beerandpub.com</a> )
<b>CCTV</b>	Closed Circuit Television
<b>Club Premises Certificate</b>	Club premises certificates are authorisations needed by clubs to carry on certain activities (e.g. selling alcohol to members and their guests). They may be granted to clubs 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.

<b>Conditions</b>	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 that is appropriate and proportionate to impose conditions. It may then only impose conditions that are 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.
<b>Conditions consistent with the operating schedule</b>	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.
<b>Councillor</b>	An elected member of the Council
<b>CSE</b>	Child Sexual Exploitation
<b>Designated Premises Supervisor</b>	The designated premises supervisor (DPS) is a personal licence holder specified in the premises licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority on the premises.
<b>Designated Public Place Order (DPPO) / Public Space Protection Order (PSPO)</b>	Designated Public Place 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. This power has been replaced by Public Spaces Protection Orders (PSPO's), which were brought in under the Anti-social Behaviour, Crime and Policing Act 2014. PSPO's specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPO's impose conditions or restrictions on people using that area.
<b>Door supervisors</b>	Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events.
<b>DPS</b>	Designated premises supervisor
<b>Family-friendly venues</b>	Places that people with children can attend. These need not necessarily be places specifically aimed at children but could be premises appealing to adults that also provide for children.

<b>Guidance</b>	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.
<b>In the vicinity</b>	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.
<b>Irresponsible promotions</b>	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.
<b>Late night refreshment</b>	The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to anyone between 11pm and 5am, on or from premises to which the public has access. However, there are a number of exemptions in Schedule 2 of the Licensing Act 2003 (e.g. vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge, or where it is supplied by a registered charity).
<b>Licensable activities</b>	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a premises licence, a club premises certificate or a temporary event notice).
<b>Licensee</b>	Generally refers to the holder of a premises licence but also includes in this policy an applicant for a premises licence or applicant for a provisional statement unless otherwise stated.

<b>Licensing Act 2003</b>	<p>The Licensing Act 2003 became law on 24 November 2005.</p> <p>The Licensing Act 2003 (the Act) introduced a single licence scheme for licensing premises that:</p> <ul style="list-style-type: none"> <li>• Supply alcohol</li> <li>• Provide regulated entertainment</li> <li>• Provide late-night refreshment.</li> </ul>
<b>Licensing authority</b>	This refers to Manchester City Council as the body responsible for licensing under the Act.
<b>Licensing objectives</b>	<p>Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm.</li> </ul> <p>Licensing authorities must decide applications in connection with premises licences and club premises certificates on the basis of the steps it considers appropriate to promote these objectives. Each objective is of equal importance.</p>
<b>Licensing Policy</b>	See Statement of Licensing Policy
<b>Licensing register</b>	Licensing authorities are required to keep a register containing a record of all premises licences, club premises certificates and personal licences issued by it and temporary event notices received by it, as well as various other matters set out in Schedule 3 to the 2003 Act. Full details of the information that must be contained in 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.
<b>Licensing subcommittee</b>	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.
<b>Mandatory Conditions</b>	The 2003 Act provides for Mandatory Conditions to be included in every licence and/or club premises certificate. See Mandatory Condition section for conditions.
<b>Minor variation</b>	<p>Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to:</p> <ul style="list-style-type: none"> <li>• extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am; or</li> <li>• increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases.</li> </ul>
<b>Nitenet</b>	Radio communication network linking licensed premises that are operated in the city centre.

<b>Operating schedule</b>	The operating schedule is the part of the application form for a premises licence or club premises certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate, and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the premises licence or club premises certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.
<b>Personal Licence</b>	Personal Licences authorise an individual to supply alcohol, or authorise the supply of alcohol in accordance with a premises licence or a temporary event notice. Not everybody 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. In addition, all supplies of alcohol under a premises licence must be made or authorised by a person who holds a personal licence.
<b>Premises Licence</b>	A premises licence authorises the use of premises for 'licensable activities'.
<b>Provisional statement</b>	This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities.
<b>Qualifying clubs</b>	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 where 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.

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.

See Section 3 of the Policy for details in which entertainment is deregulated and, therefore, not licensable.

**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. Any persons, such as local residents, or businesses and responsible authorities, such as Environmental Health, can make representations. The term 'relevant' 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 a premises licence or club premises certificate.

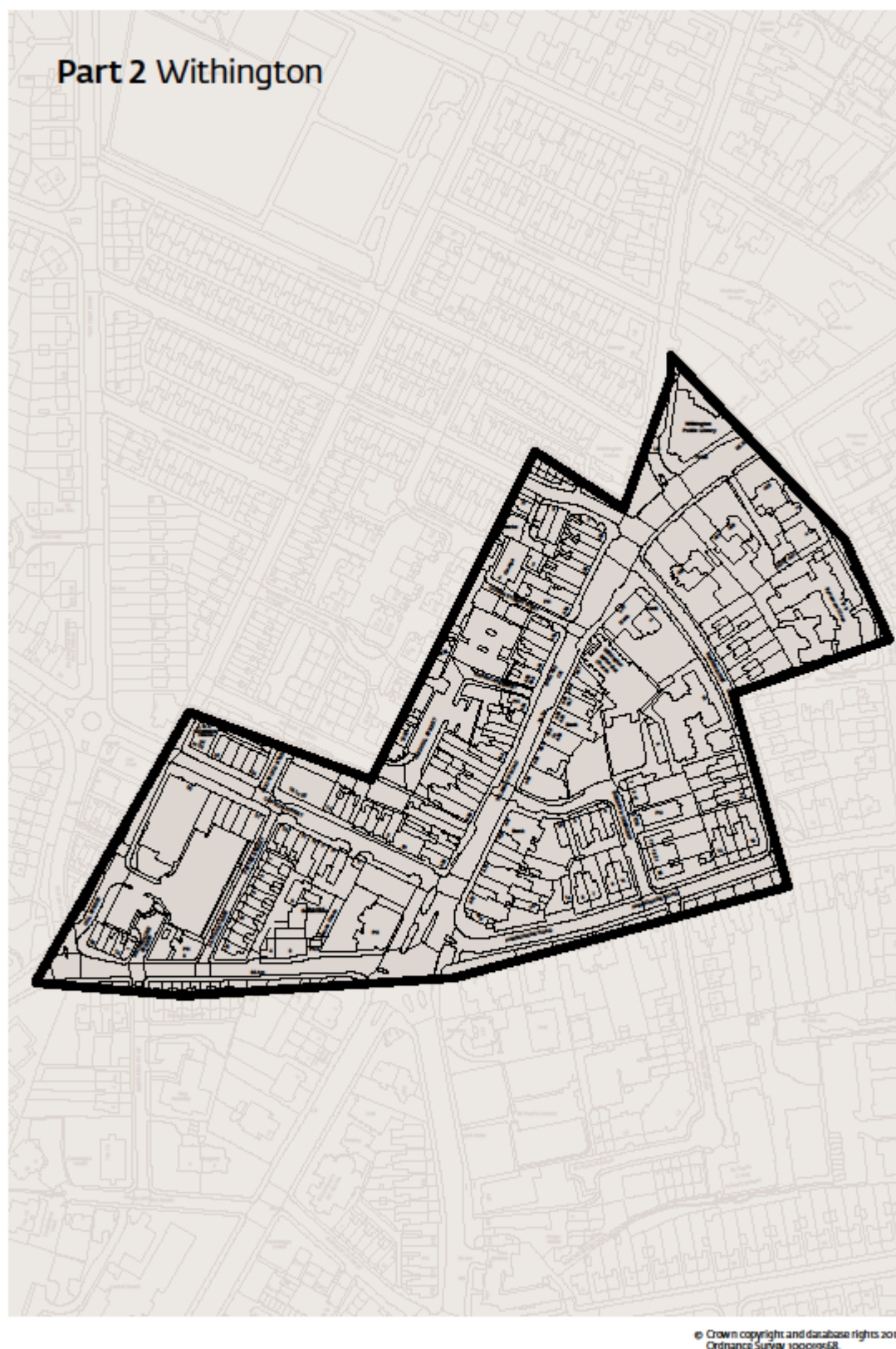
<b>Responsible Authorities</b>	<p>Responsible authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. Responsible authorities include the following for the area in which the premises are situated:</p> <ul style="list-style-type: none"> <li>• The licensing authority</li> <li>• The chief officer of police</li> <li>• The fire authority</li> <li>• The planning authority</li> <li>• The health authority</li> <li>• The health and safety authority</li> <li>• The environmental health authority</li> <li>• The body recognised as being responsible for protection of children from harm</li> <li>• Inspectors of Weights and Measures (trading standards officers)</li> <li>• And in respect of vessels only – <ul style="list-style-type: none"> <li>i) The Environment Agency</li> <li>ii) The British Waterways Board</li> <li>iii) The Maritime and Coastguard Agency, and if different from these:</li> <li>iv) The relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.</li> </ul> </li> </ul>
<b>Review</b>	<p>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 appropriate to address the problem and promote one or more of the four licensing objectives.</p>
<b>Risk assessment</b>	<p>The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.</p>
<b>Statement of licensing policy</b>	<p>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.</p>
<b>Temporary Event Notice (TEN)</b>	<p>This is the notice that organisers of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system.</p>
<b>Variation</b>	<p>See Application to vary a premises licence</p>
<b>Vertical drinking</b>	<p>The sale and consumption of alcohol at premises with little or no seating for patrons.</p>



## Appendix 7: Map of the Fallowfield/Wilmslow Road Special Policy area



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



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