
From: Stuart Alderson <Stuart.Alderson@manchester.gov.uk>

Sent: 24 January 2023 14:13

To: [REDACTED] alan.isherwood <alan.isherwood@gmp.police.uk>;
Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: INFORMATION FOR HEARING FROM Licensing out of hours - LPA 280605/HH1: Go Local, 210 Wilmslow Road, Manchester, M14 6LF

Dear all

Please find attached additional information I will refer to during the hearing.

1. Manchester City Council's Statement of Licensing Policy, including specifically section 7 and Manchester standards to promote the licensing objectives section.
2. Greater Manchester Drug and Alcohol Strategy | 2019 – 2021
3. Daniel Thwaites plc v Wirral Borough Magistrates' Court 2008
4. The Queen on the Application of Hope, Glory Public House Limited v City of Westminster Magistrates Court v The Lord Mayor and the Citizens of the City of Westminster
5. EAST LINDSEY DISTRICT COUNCIL vs ABU HANIF (TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)
6. SA1- Map of student noise complaints within 1000m radius of 210 Wilmslow Rd

Regards

Stuart Alderson

[REDACTED]
Licensing & Out of Hours Compliance Officer
Licensing and Out of Hours Team (Citywide)
The Neighbourhoods Directorate
Growth and Neighbourhoods



MANCHESTER
CITY COUNCIL

Statement of Licensing Policy 2021–2026

Interim Review 2021–2022

April 2021

Contents

- Foreword by Leader 6**

- 1. Introduction and guide to Manchester’s Licensing Policy 7**
 - Guide to the Policy 7

- 2. Implementation of this Statement of Licensing Policy 9**
 - Consultation for the Licensing Policy 9
 - Integration with other strategies 9
 - Refreshed Greater Manchester Strategy 10
 - Draft Manchester Strategy 10
 - Cultural Strategy 11
 - Manchester Community Safety Strategy 11
 - The Core Strategy 12
 - The Manchester Alcohol Strategy 12
 - Contributing to achieving wider aspirations 13
 - Working to prevent the threat of terrorism 13
 - Tackling child sexual exploitation 14
 - Promotion of equality 15

- 3. The Licensing process 15**
 - The Licensing Committee and its delegation of functions 15
 - Duplication with other regulatory regimes 16
 - Responsible authorities 16
 - Licensable activities and the licensing objectives 16
 - De-regulated entertainment 18
 - Relevant representations 19
 - Reviews 20
 - Ability to reinstate conditions relating to live music upon review 20
 - Considerations of impact within the vicinity of licensed premises 21
 - Integration with planning 21
 - The need for licensed premises 21
 - The cumulative impact of concentrations of licensed premises 21
 - Late Night Levy 23
 - Early Morning Restriction Orders (EMROs) 23

4.	Operation of the Policy	24
	General	24
	Applications in Special Policy areas.....	25
	Licence conditions	25
	Departures from the Policy	26
5.	Special Policy areas	27
	Cumulative impact and saturation policy in respect of Fallowfield/Wilmslow Road	27
	Special Policy in respect of Withington Stress Area	29
	Special Hours Policy – in Ancoats and New Islington	35
6.	What we aim to encourage	37
	Communication and integration with local residents and businesses	37
	Partnership working	37
	Pubwatches, off-licence forums and other crime-reduction partnerships	38
	CityCo Manchester Business Crime Reduction Partnership/City Centre Radio Scheme (NITENET)	38
	Designing out crime in the layout of the premises	39
7.	Local factors	39
	Identified risk factors specific to the licensed premises	40
	Evidence of pre-existing problems in the area	41
	Proximity of takeaways and off-licences to nightlife entertainment areas	42
	Consistency with relevant Council strategies.....	42
	The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance.....	43
	Proximity to sensitive uses	44
	The availability of transport to and from the premises	44
	Ability to clean and maintain the street scene.....	45
	Premises in proximity to the airport	45
8.	Manchester’s standards to promote the licensing objectives	45
MS1	Implement effective security measures at the premises	46
MS2	Effective general management of the premises	49
MS3	Responsible promotion and sale of alcohol	49
MS4	Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises	51
MS5	Prevent on-street consumption of alcohol	52
MS6	Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies ..	52
MS7	Maintain a safe capacity	53
MS8	Prevent noise nuisance from the premises	53

MS9	Effectively manage exterior spaces (eg. beer gardens, smoking areas, table and chair areas on the highway)	54
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.....	55
MS11	Ensure the wellbeing of children on the premises.....	55
MS12	Prevent underage sales of alcohol, including proxy sales	57
9.	Alcohol delivery services	58
10.	Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)	59
11.	The use of tables and chairs on the public highway	60
12.	Premises Licences for large-scale public events	60
13.	Personal Licences	62
14.	Temporary Event Notices	63
	Late temporary event notices	65
15.	Designated premises supervisors	67
16.	Enforcement and monitoring	67
	Suspension for non-payment of fees	69
17.	Minor variations	69
18.	Film classifications	70
	Appendices	71
	Appendix 1: The Licensing Unit and Responsible Authorities	72
	Licensing Unit (Premises).....	72
	Licensing Authority.....	72
	Greater Manchester Police.....	72
	Greater Manchester Fire Authority.....	72
	Public Health Authority	73
	Health and safety	73
	Environmental Health	73
	Planning.....	74
	Trading Standards.....	74
	Manchester Safeguarding Children Board.....	74
	The Inland Navigation Authority	74

Appendix 2: Relevant information for residents and other persons	75
Finding out about the application	75
Licensing Register.....	76
Representations.....	76
Good practice for making a representation.....	77
Disclosure of personal details of persons making representations	77
The role of councillors	77
Problems with existing premises.....	78
Petitions	78
Appendix 3: Mandatory conditions for Premises Licences and Club Premises Certificates	79
Door supervisors	79
Community premises alternative mandatory condition	79
Exhibition of films	79
Supply of alcohol	79
Club Premises Certificates	81
Appendix 4: Disapplication of mandatory conditions for community premises	82
Community premises	82
Management of the premises	82
Objections by Greater Manchester Police	83
Appendix 5: Delegation of functions	84
Appendix 6: Glossary	85
Appendix 7: Map of the Fallowfield/Wilmslow Road Special Policy area	92
Appendix 8: Map of the Withington Stress Area to which a Special Hours Policy applies	93
Appendix 9: Map of Ancoats and New Islington Regeneration Framework Area	94

Foreword by Leader

Ordinarily, we publish a five-year policy setting out our vision for Manchester's licensed premises. However, in these extraordinary and unprecedented times, any review has to be considered against the backdrop of the COVID-19 pandemic and all the evolving demands and ongoing challenges it brings.

We are therefore retaining our existing policy for a temporary period while we complete a full review to establish a strategic vision on how our licensed premises can re-emerge and thrive post COVID-19. This work is already underway, and it is our intention to consult and publish our revised policy as soon as we can.

Our policy continues to promote the importance of the four licensing objectives and ensure high-quality operation and management with appropriate safeguards in place. We will continue to work in partnership with licensees to support them to navigate the regulatory requirements of their businesses, while taking robust action against those who wilfully disregard their responsibilities.

The unexpected arrival of COVID-19 has not changed the city's aspirations, nor will it derail the city's social and economic objectives. The pandemic has reinforced how integral Manchester's licensed premises are to the continued success of the city – the international prominence of our evening and night-time economy (as a cultural beacon, and as a major employer, particularly of young people), and being part of the fabric of our communities.

Licensees have proved their resilience and ability to innovate in response to the pandemic, and these qualities will contribute to the city's post-COVID-19 resurgence, as the city continues to look forward and reinvigorate its economy, with plans to protect and create jobs and support new business opportunities.

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, while 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 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. With this in mind, we have set out a range of key issues at Section 7 (Local Factors) that applicants are expected to take into account regarding the individual characteristics of their premises and locality when preparing their operating schedule, especially 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's 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, eg. 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 to make representations (either against or in support of an application)
 - Finding out about existing licences in the 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 for representation
 - 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 1 April 2021. 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
 - A city region 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, ie. how we create the right conditions and support businesses within Greater Manchester, and Reform, ie. 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
 - Connected, internationally and within the UK
 - Playing its full part in limiting the impacts of climate change
 - Where residents from all backgrounds feel safe, can aspire, succeed and live well
 - 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 (https://www.manchester.gov.uk/downloads/file/25262/manchester_cultural_ambition), 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 eight 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 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 ongoing 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 are 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, among 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 – a rate that has 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, it is hoped that preventing the use or supply of illegal drugs and new psychoactive substances on licensed premises will 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 while 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:
https://secure.manchester.gov.uk/info/200039/emergencies/6303/preparing_for_emergencies/2

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. The protection of children from harm is proactively addressed through intelligence-sharing, the exchange of current strategy developed by the Safeguarding Children Board, as well as all licensing staff completing safeguarding training. 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 is 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
 - To raise the awareness of their staff about child sexual exploitation and provide intelligence for the appropriate authorities about concerns, including 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 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 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.

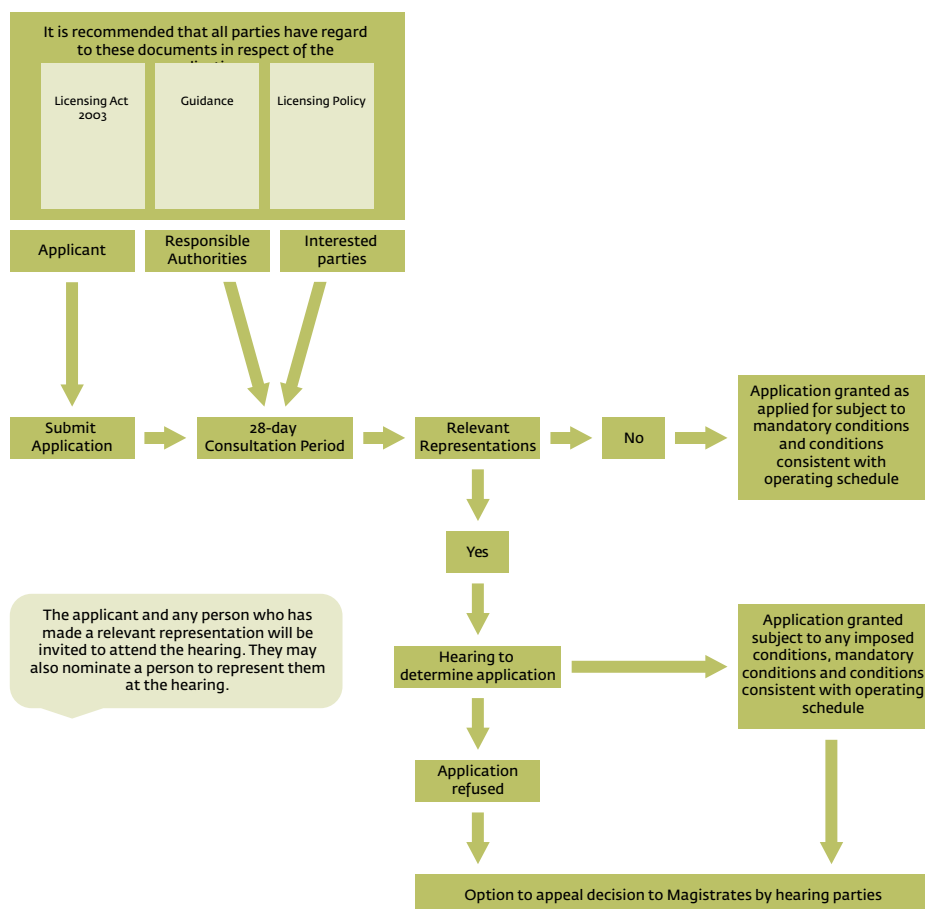
Responsible authorities

- 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, or a variation of an existing licence or certificate is made to the licensing authority, consultation is required with the responsible authorities.
- 3.11 Among other things, an application will consist of 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:
- Grant the application as applied for; or
 - 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
 - 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 8am and 11pm, provided that the audience does not exceed 500.
- 3.22 Performances of dance between 8am and 11pm, provided that the audience does not exceed 500.
- 3.23 'Not-for-profit' film exhibitions held in community premises between 8am and 11pm, 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 8am and 11pm, provided that those present do not exceed 1,000.
- 3.25 Any contest, exhibition or display of Greco-Roman wrestling or freestyle wrestling between 8am and 11pm, provided that the audience does not exceed 1,000.
- 3.26 Performances of unamplified live music between 8am and 11pm, on any premises.
- 3.27 Performances of amplified live music between 8am and 11pm:
- 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 8am and 11pm:
- 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 8am and 11pm, 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 8am and 11pm, 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 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the school proprietor.
- 3.32 Any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus between 8am and 11pm, with no limit on audience size, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) 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 where 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 (eg. joint-agency action planning and voluntary initiatives). It is expected that the trade reciprocates 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 While the licensing authority will seek to ensure the promotion of the four licensing objectives by licensed premises in Manchester, it is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licensee.
- 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 antisocial 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 there are a number of existing measures available that are 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 Currently, there is no Late Night Levy in Manchester.

Early Morning Restriction Orders (EMROs)

- 3.60 Introduced by the Police Reform and Social Responsibility Act 2011, Early Morning Restriction Orders (EMROs) enable an authority to prohibit the sale of alcohol for a specified time period between the hours of 12 midnight and 6am in the whole or part of its area if it deems it appropriate for the promotion of the licensing objectives.
- 3.61 EMROs 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 antisocial behaviour 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 12 midnight 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 12 midnight to 6am on 1 January each year)
 - Will not apply to the supply of alcohol by those who provide hotel or similar accommodation for their residents between 12 midnight 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 subcommittee 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 section 182 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 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 subcommittee will normally follow. In exercising its discretion, the licensing subcommittee will have regard (among 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 licensing 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 its 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; 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 is 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 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 subcommittee 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 antisocial behaviour 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 antisocial behaviour 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, antisocial behaviour levels peak during the late night/early morning, and correlate with the closing times of alcohol-led licensed premises.

The complaints about antisocial behaviour from local residents, 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 and 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 and 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 antisocial behaviour 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; this 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 level of issues remains broadly consistent since the policy came into effect, with increases in victim-based crime and violent crime. Although levels of antisocial behaviour, 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 antisocial behaviour 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 antisocial behaviour. However, the authority does wish to diversify the leisure economy in Withington. With this in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken:

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

	Closing time	Approach
Alcohol-led venues (on-licence)	Up to 11.30pm	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
Alcohol-led venues (on-licence)	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
Hot food takeaway premises	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
Alcohol-led venues (off-licence)	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	A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors shall be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times Written records to be kept of any door supervisors on duty Positive consideration will be given to the use of Approved Contractor Scheme (ACS) security companies
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	Documented records to be kept in respect of: <ul style="list-style-type: none"> - Lost and found property - Refused sales of alcohol - Thefts - Banned and ejected persons - Injuries - Complaints and any remedial action taken

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

Measure to be addressed	Criteria
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"> - Participation in any local community initiatives - Communication with local residents and groups - Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems - Hosting of meetings with local residents to troubleshoot issues associated with the premises
Effective management of exterior spaces (eg. beer gardens, smoking areas)	Policies in place in relation to: <ul style="list-style-type: none"> - Supervision arrangements - How such areas will be kept clean and free of litter, particularly at the end of trading - Avoiding customers causing noise disturbance
Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter	Systems in place to ensure the premises and surrounding area are kept clean and free of litter at all times the premises are open to the public, and at the close of trade <p>Positive consideration will be given to:</p> <ul style="list-style-type: none"> - Contribution (including financial) to any community local initiatives or infrastructure - Cleaning initiatives beyond the immediate vicinity of the premises

Measure to be addressed	Criteria
Responsible management of the use of flyers and other promotional material	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 Flyers should not be posted at unsolicited residential addresses
Prevention of customers causing disturbance when leaving the premises	Policies for the dispersal of customers to ensure orderly conduct and minimise disturbance Positive consideration will be given to: <ul style="list-style-type: none"> – Supervision of customers leaving, including preventing customers congregating outside – Use of a winding-down period – Providing a dedicated taxi/private hire calling service that operates a call-back facility
Membership of any local pub and club network/off-licence forum or other recognised partnership group	Positive consideration will be given to: <ul style="list-style-type: none"> – Participation in the local Pubwatch scheme – Support of any local resident/community schemes, including the voluntary hosting of meetings
Taking action to prevent proxy sales of alcohol from the premises	Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences
Prevention of underage sales of age-restricted products, and access by underaged persons	The operation of Challenge 21 (on-licence) or Challenge 25 (off-licence) with acceptable forms of ID Positive consideration will be given to: <ul style="list-style-type: none"> – The use of till prompts – Operation of mystery shopper exercises at own expense

- 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 Hours Policy – in Ancoats and New Islington

- 5.32 The Special Hours 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 Hours Policy is that the Council will generally only permit licensable activities for premises in the Ancoats and New Islington Regeneration Framework area until the terminal hours set out below whenever it receives relevant representation, unless an applicant can demonstrate there are exceptional circumstances that 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. This 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 (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 eastwards 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 Hours 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, increases in noise from patrons coming and going to licensed premises, antisocial 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,¹ 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 Hours Policy in place.

¹ 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 the promotion of the licensing objectives and ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage.
- 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 are 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 While 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 the enforcement of exclusion orders are also seen to be essential parts 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, and at face-to-face meetings, as well as through 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 demonstrates 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 for operators of licensed premises by sharing 'live' information, enabling them to work proactively 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 (CBOs) 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 that found at 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 antisocial 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 section 182 Guidance, when setting out the steps they propose to take to promote the licensing objectives, applicants are expected to obtain sufficient information to enable them to demonstrate 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 applicant's 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) that 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 socioeconomic 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 on the promotion of the licensing objectives by their premises. Applicants are encouraged to identify relevant factors through risk assessment of the 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 those factors.

Identified risk factors specific to the licensed premises

- 7.6 There are multiple and intersecting factors; some of these can be controlled by licensed premises, while others are clearly external, eg. pre-loading by customers, and have an impact on the premises' operation of the licensing objectives.
- 7.7 Many of the factors are known to be compounding, eg. 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 operating measures 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 While 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 large numbers of people 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 (eg. 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)¹

¹ Hadfield, P. (2011) Night-Time Economy Management: International Research and Practice. A Review for the City of Sydney
http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0016/131740/InternationalEvidenceLiteratureReview.pdf

- 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 (DPPOs) restricting alcohol in public spaces. DPPOs 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 wellbeing 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 antisocial 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 and 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 for 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 the appropriate steps 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 (eg. queue management, dispersal policy)
 - Prevention of disturbance by people outside the premises (eg. 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, while 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 antisocial individuals but can also come from large numbers of people going about the business of having a good time. While 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 who 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 and 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 it is 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 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 Bye-laws 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, eg. 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, local residents, councillors and 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
- 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
- Whether barriers are to be used
- 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 from 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 (eg. 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, eg. 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, eg. 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 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 for 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 a 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 for 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 are open for the sale of alcohol. The authority considers it appropriate for multiple personal licence holders to be on the premises where the premises:

- Have more than one bar
- Are large
- Are likely to attract a high proportion of 18 to 25-year-olds
- Are 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, eg. 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) of different beverage categories, eg. beers, lagers, ciders, wines
- Managing the volume of alcohol sold, eg. 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 by 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 regular refresher training with maintained training records that detail: the content of the training; the date, name and qualifications (if any) of the trainer; and the signatures of the trainer and trainee. Training is expected to include:

- Evidence that the trainee has gained knowledge and 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 overservice 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 mixed use of cocaine 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 section 182 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 a documented policy that sets 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 to do so.

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 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, ie. where drugs or alcohol are added to someone's drink without them knowing. Alcohol is the common substance used to spike drinks. Safety measures could include encouraging customers to ensure their 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 could include preventing the sale of such products alongside the sale of alcohol at licensed premises (including off-licences) and 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 (DPPOs) in areas throughout Manchester in order to help address and prevent numerous problems caused by public consumption of alcohol. With effect from 20 October 2014, any new or renewal of such orders are known as Public Space Protection Orders (PSPOs). 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 would appeal to underage drinkers or street drinkers, or that encourage excessive consumption and 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 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).²

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 the 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 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.

² Doherty, S.J. & Roche A. M (2003) *Alcohol and Licensed Premises: Best Practice in Policing* <http://nceta.flinders.edu.au/files/7312/5548/1448/EN34.pdf>

Consideration should be given to the risk of nuisance from music breakout from 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, designated drinking areas and beer gardens, or 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 who may have been attracted to the premises causing noise and disturbance late at night
- Prominent display of notices requiring courtesy for neighbours
- Preventing customers from congregating outside
- Imposing a curfew on times that readmittance will be permitted to customers, eg. 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 (eg. beer gardens, smoking areas, table and chair areas on the highway)

Where the premises include any exterior areas, licensees should demonstrate the measures 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 a limit
- How a limit will be delineated, if relevant
- How premises will be kept clean and free of litter, particularly at the end of trading
- The type of supervision to be put in place
- Whether the premises should be covered by CCTV
- Whether glasses should be allowed outside

- The glass collection arrangements to be put 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, eg. 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 premises is/are 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 should be 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 prevent 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. eg. 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), 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 operate 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 sell age-restricted goods, and refresher training must be delivered regularly. Training records must be maintained with details: content of the training; date; name and qualifications of the trainer; and signatures of the trainer and trainee. Training records must also include evidence that the trainee has gained knowledge and 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 proxy sales 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 a 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 number to be used for orders is expected to be given 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, eg. 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 The licensing authority expects licensees to consider the following additional measures when applying to provide adult entertainment and, if considered appropriate for the promotion of the licensing objectives, include relevant steps in their operating schedule:
- 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 Standard Conditions 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

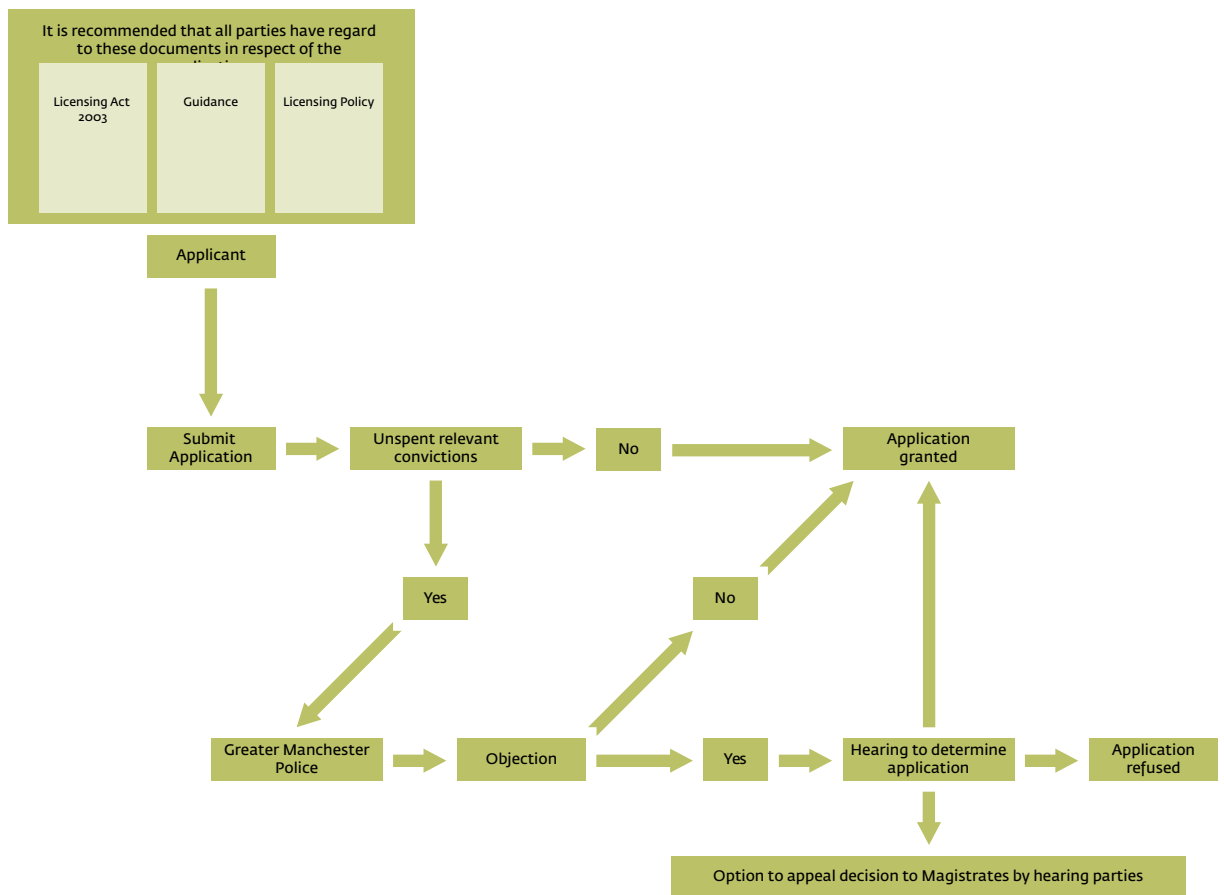
- 12.1 The authority considers that there are specific risks associated with the holding of large public events, such as concerts and festivals. Therefore, this section sets out particular expectations regarding how such events are expected to be managed. The policy does not define what events will be 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 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:
 - Responsible alcohol service
 - The designated premises supervisor
 - Personal Licence holders
 - Control of the sale of alcohol
 - Proof-of-age policy
 - Promotion of responsible drinking
 - 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 management of 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 help to minimise the day-to-day disruption of 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

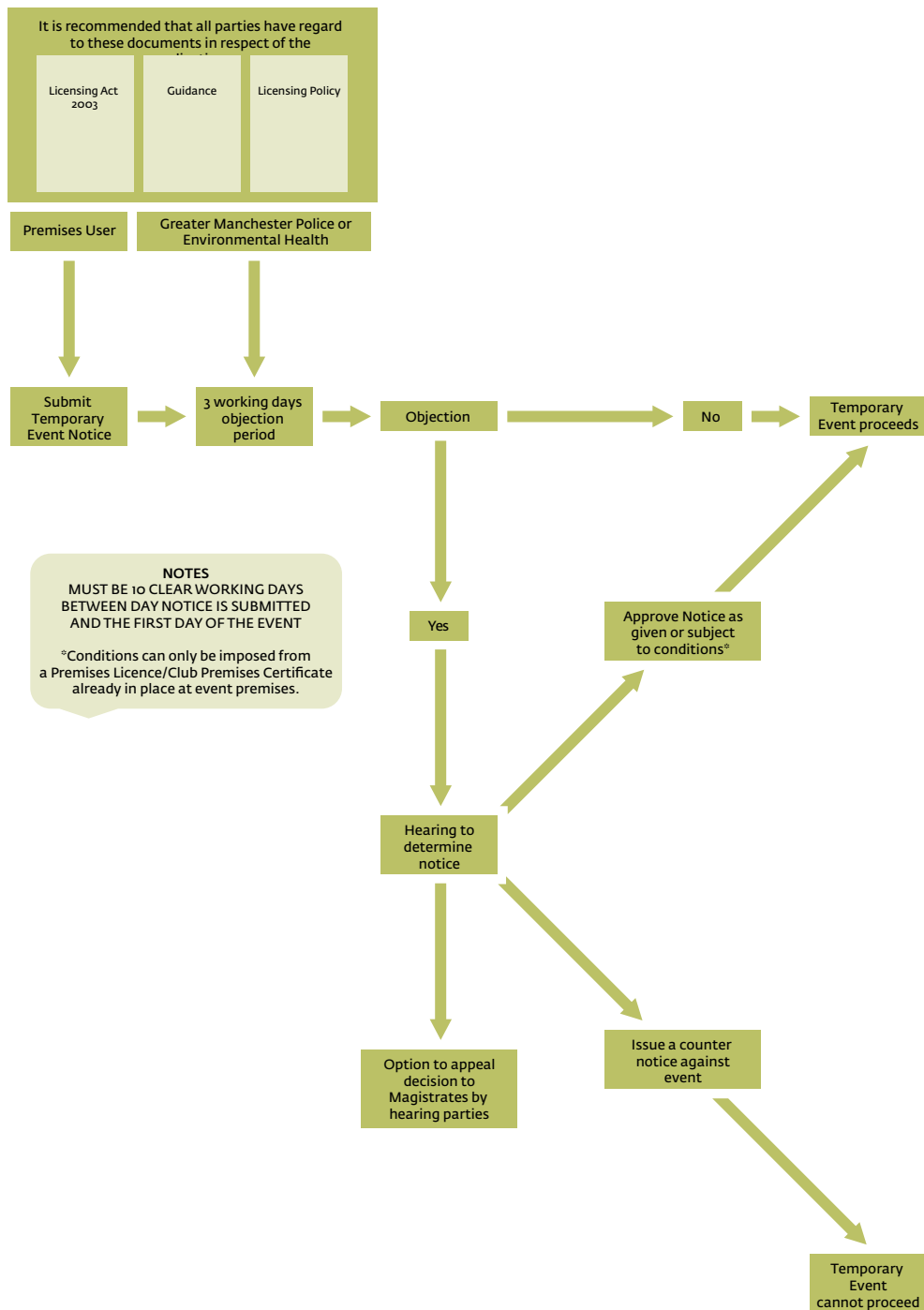
- 13.1 A Personal Licence authorises a person to sell or supply, or authorise the sale or supply, of alcohol on a licensed premises.
- 13.2 A Personal Licence is granted by the local authority where the person ordinarily resides and has effect until surrendered or revoked. The licence is portable although 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).

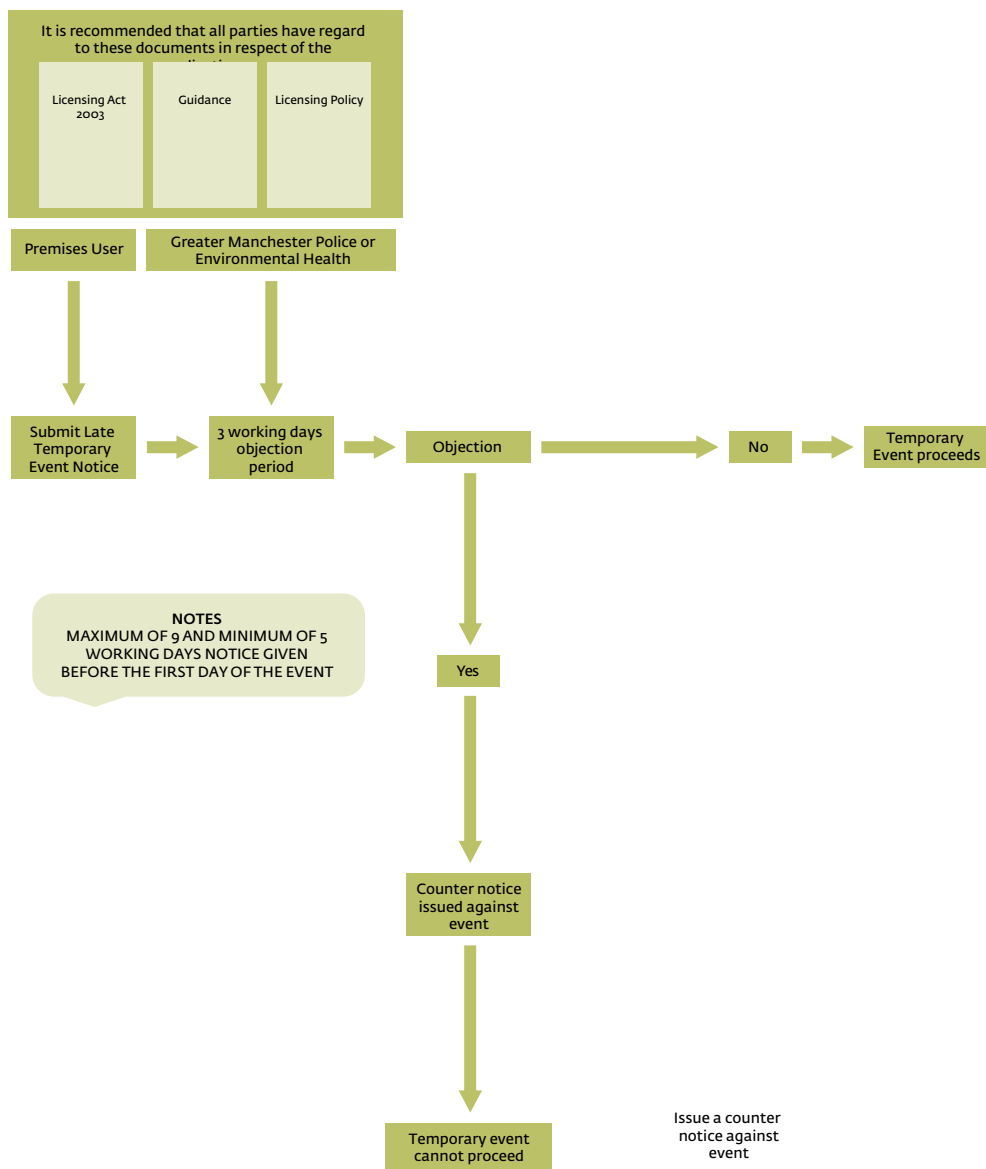
- 14.5 There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes:
- A standard TEN is given no later than ten working days before the event to which it relates
 - A late TEN is given not before nine and not later than five working days before the event.
 - Standard 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 premises that already hold 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 section 182 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 proactively prevent and address issues, eg. 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 at 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 to ensure that all conditions remain appropriate and the premises are operating in compliance. Depending on the circumstances, the minor variation process set out in 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 11pm and 7am; or
 - Increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises
 - are excluded from the minor variations process and must be treated as full variations in all cases. 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 Team
Manchester City Council
Level 1, Town Hall Extension
PO Box 532
Manchester
M18 8YU

 www.manchester.gov.uk/licensing
 premises.licensing@manchester.gov.uk
 0161 234 4512
 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
Manchester City Council
Level 1, Town Hall Extension
PO Box 532
Manchester
M2 5GU

 www.manchester.gov.uk/licensing
 premises.licensing@manchester.gov.uk
 0161 234 4512
 0161 274 7249 (Fax)

Greater Manchester Police

GMP Licensing Partnership Team
Level 1, Town Hall Extension
Lloyd Street
Manchester
M2 5DB




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

Greater Manchester Fire Authority

North Manchester:

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



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

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

South Manchester:

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

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

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

Public Health Authority




Public Health Manchester
PO Box 532
Town Hall
Manchester
M60 2LA

 n/a
 dast@manchester.gov.uk
 0161 234 3436

Health and safety




Local Authority premises, hospital premises and some university premises

Health and Safety Executive
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

 www.hse.gov.uk
 n/a
 n/a




All other premises

Environmental Health (Premises Licences)
1 Hammerstone Road
Gorton
Manchester
M18 8EQ

 www.manchester.gov.uk
 EnvH.Licensing@manchester.gov.uk
 0161 234 5004

Environmental Health

Environmental Health (Premises Licences)
PO Box 532
Town Hall
Manchester
M60 2LA

 www.manchester.gov.uk
 OutOfHours.Compliance@manchester.gov.uk
 0161 234 5004




Planning

Manchester Local Planning Authority
(Premises Licences)
PO Box 463
Town Hall
Manchester
M60 3NY

 www.manchester.gov.uk
 planning@manchester.gov.uk
 0161 234 4516




Trading Standards

Trading Standards Service
1 Hammerstone Road
Gorton
Manchester
M18 8EQ

 www.tradingstandards.gov.uk
 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
 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

 [www.peelports.com/port-locations/
manchester-ship-canal](http://www.peelports.com/port-locations/manchester-ship-canal)
 n/a
 n/a

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 and at 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) 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

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 email:

premises.licensing@manchester.gov.uk

By post:

The Licensing Unit (Premises Team), Level 1 Town Hall Extension,
Albert Square, PO Box 532, M60 2LA

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 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 16 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 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, ie. 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 (eg. 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 that 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 antisocial 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
 - (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 (ie. the management committee) is responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. All such sales will have to be made or authorised by the licence holder. There will be no requirement for a designated premises supervisor or for alcohol sales to be authorised by a personal licence holder.

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

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

Management of the premises

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

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Applicant	A person making an application for a Premises Licence or Club Premises Certificate
Application to vary a Premises Licence	Where a Premises Licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new Premises Licence
ASB	Antisocial behaviour
BBFC	British Board of Film Classification: the national body responsible for the classification of cinema films and videos
BBPA	British Beer and Pub Association (see www.beerandpub.com)
CCTV	Closed Circuit Television
Club Premises Certificate	Club Premises Certificates are authorisations needed by clubs to carry on certain activities (eg. selling alcohol to members and their guests). They may be granted to clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These commonly include ex-services clubs such as the Royal British Legion, Conservative, Labour and Liberal clubs, working men's clubs, miners' welfare institutions and sports and social clubs. The application process is similar to that for a Premises Licence; for example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a Premises Licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a Club Premises Certificate.
Conditions	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question. The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing 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.
Conditions consistent with the operating schedule	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.
Councillor	An elected member of the Council
CSE	Child Sexual Exploitation

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Designated Premises Supervisor	The designated premises supervisor (DPS) is a personal licence holder specified in the Premises Licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority on the premises.
Designated Public Place Order (DPPO)/Public Space Protection Order (PSPO)	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 (PSPOs), which were brought in under the Antisocial Behaviour, Crime and Policing Act 2014. PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area.
Door supervisors	Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events.
DPS	Designated premises supervisor
Family-friendly venues	Places that people with children can attend. These need not necessarily be places specifically aimed at children but could be premises appealing to adults that also provide for children.
Guidance	Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue, and from time to time may revise, guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.
In the vicinity	Whether somebody lives or works 'in the vicinity' of a premises is a matter that will be decided by the relevant licensing authority. The word has no particular technical meaning and in licensing matters should be interpreted as an ordinary English word and in a commonsense fashion. In doing this, licensing authorities might take into account whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises.
Irresponsible promotions	An irresponsible promotion is one that encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

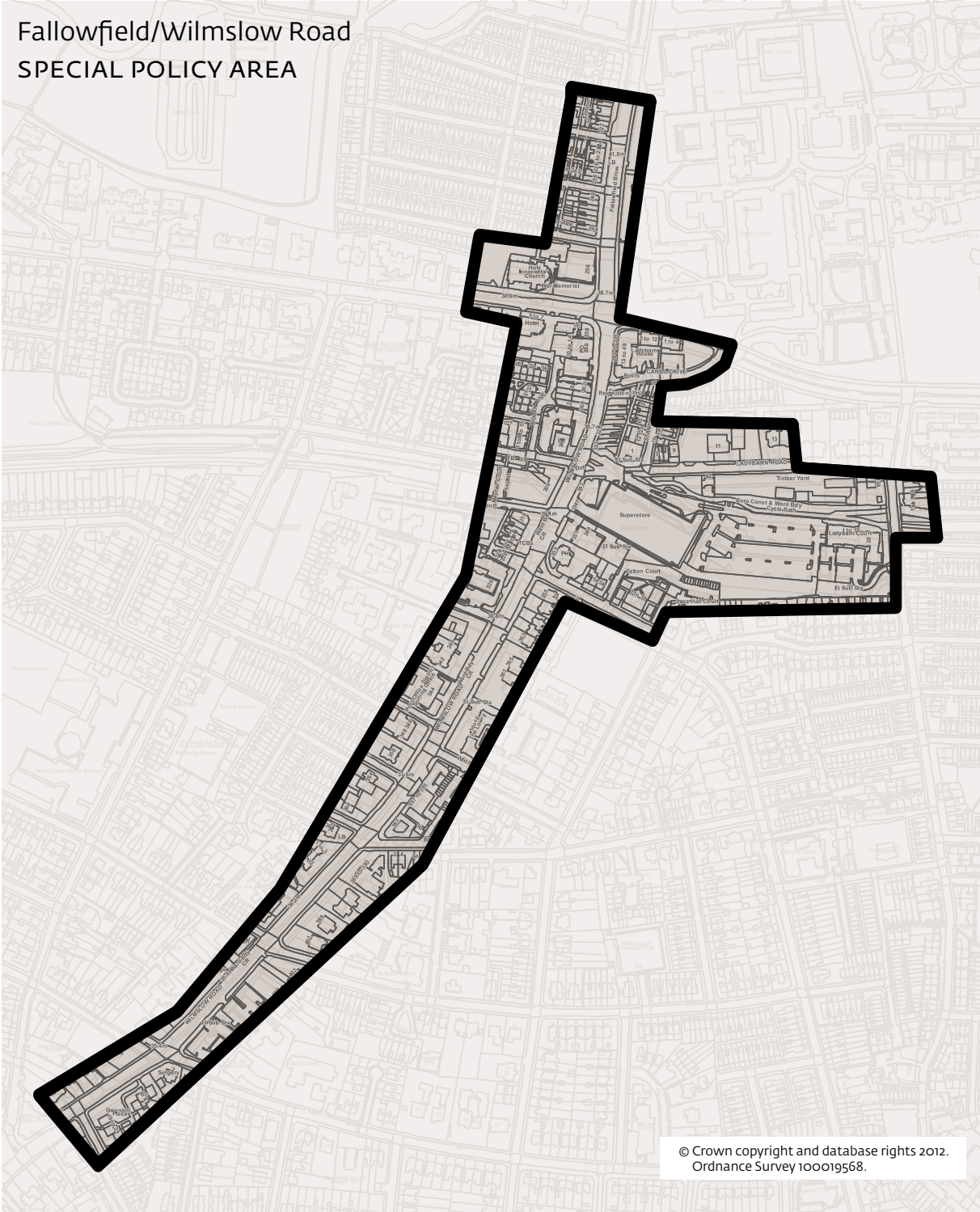
ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Late-night refreshment	The provision of late-night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to anyone between 11pm and 5am, on or from premises to which the public has access. However, there are a number of exemptions in Schedule 2 of the Licensing Act 2003 (eg. vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge, or where it is supplied by a registered charity).
Licensable activities	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a Premises Licence, a Club Premises Certificate or a temporary event notice).
Licensee	Generally refers to the holder of a Premises Licence but also includes in this policy an applicant for a Premises Licence or applicant for a provisional statement unless otherwise stated.
Licensing Act 2003	The Licensing Act 2003 became law on 24 November 2005. The Licensing Act 2003 (the Act) introduced a single licence scheme for licensing premises that: <ul style="list-style-type: none"> – Supply alcohol – Provide regulated entertainment – Provide late-night refreshment.
Licensing authority	This refers to Manchester City Council as the body responsible for licensing under the Act.
Licensing objectives	Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are: <ul style="list-style-type: none"> – The prevention of crime and disorder – Public safety – The prevention of public nuisance – The protection of children from harm. 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.
Licensing Policy	See Statement of Licensing Policy
Licensing register	Licensing authorities are required to keep a register containing a record of all Premises Licences, Club Premises Certificates and personal licences issued by it and temporary event notices received by it, as well as various other matters set out in Schedule 3 to the 2003 Act. Full details of the information that must be contained in the licensing authority register can be found on the DCMS website. You can inspect the licensing authority's register of licences during office hours without charge.
Licensing subcommittee	Full licensing committees delegate a number of their functions to one or more 'licensing subcommittees'. These are made up of three members of the full licensing committee.

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Mandatory Conditions	The 2003 Act provides for Mandatory Conditions to be included in every licence and/or Club Premises Certificate. See Mandatory Condition section for conditions.
Minor variation	Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to: <ul style="list-style-type: none"> – 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 – increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases.
NITENET	Radio communication network linking licensed premises that are operated in the city centre.
Operating schedule	The operating schedule is the part of the application form for a Premises Licence or Club Premises Certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate, and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the Premises Licence or Club Premises Certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.
Personal Licence	Personal Licences authorise an individual to supply alcohol, or authorise the supply of alcohol in accordance with a Premises Licence or a temporary event notice. Not everybody who works in any licensed premises will need to hold a Personal Licence; however, all premises licensed to sell alcohol will have an identified personal licence holder, known as the designated premises. In addition, all supplies of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence.
Premises Licence	A Premises Licence authorises the use of premises for 'licensable activities'.
Provisional statement	This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities.
Qualifying clubs	Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith, and special conditions where the club supplies alcohol to its members). These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under 'Club Premises Certificate' above). Such clubs carry on activities from premises to which public access is restricted and where alcohol is supplied other than for profit.

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Regulated entertainment	<p>Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment:</p> <ul style="list-style-type: none"> – 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. <p>Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of 'regulated entertainment' applies. These rules concern the intended audience and whether the regulated entertainment is for profit.</p> <p>See Section 3 of the Policy for details in which entertainment is deregulated and, therefore, not licensable.</p>
Relevant representation	<p>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 (ie. 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.</p>
Representation	<p>Submission made to the licensing authority in respect of an application. Representations can be in support or against an application.</p>

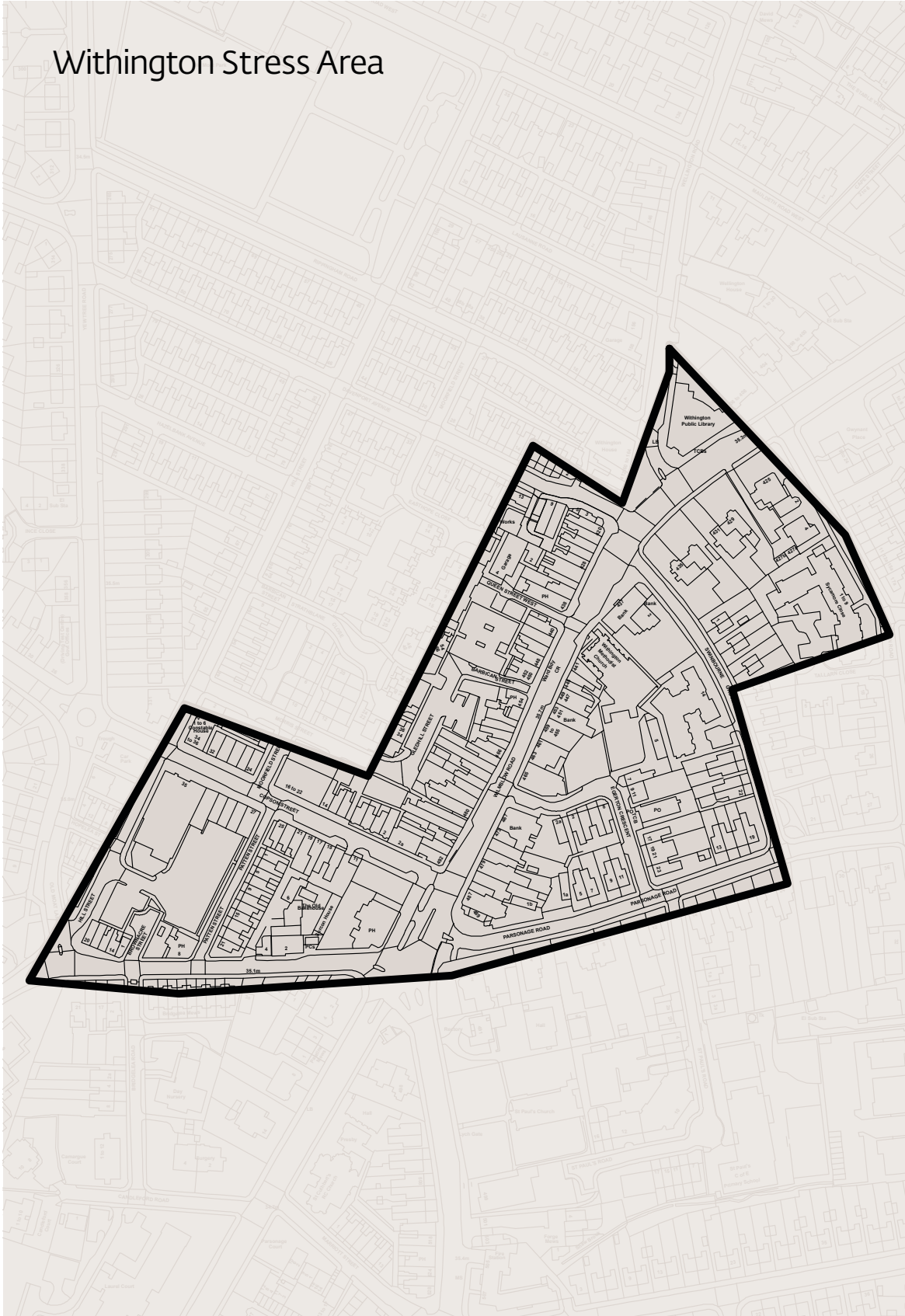
ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Responsible Authorities	<p>Responsible Authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation 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"> – The licensing authority – The chief officer of police – The fire authority – The planning authority – The health authority – The health and safety authority – The environmental health authority – The body recognised as being responsible for protection of children from harm – Inspectors of Weights and Measures (trading standards officers) – And in respect of vessels only: <ul style="list-style-type: none"> i. The Environment Agency ii. The British Waterways Board iii. The Maritime and Coastguard Agency, and if different from these: iv. The relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.
Review	Interested parties including local residents can also request a review of a particular Premises Licence when problems occur that are related to the licensing objectives. Following the review, the licensing authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However, it can only take these actions where they are appropriate to address the problem and promote one or more of the four licensing objectives.
Risk assessment	The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.
Statement of licensing policy	Every licensing authority will publish a 'statement of licensing policy' every five years. This will set out the general approach the licensing authority will take when making licensing decisions.
Temporary event notice (TEN)	This is the notice that organisers of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system.
Variation	See Application to vary a Premises Licence
Vertical drinking	The sale and consumption of alcohol at premises with little or no seating for patrons.

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



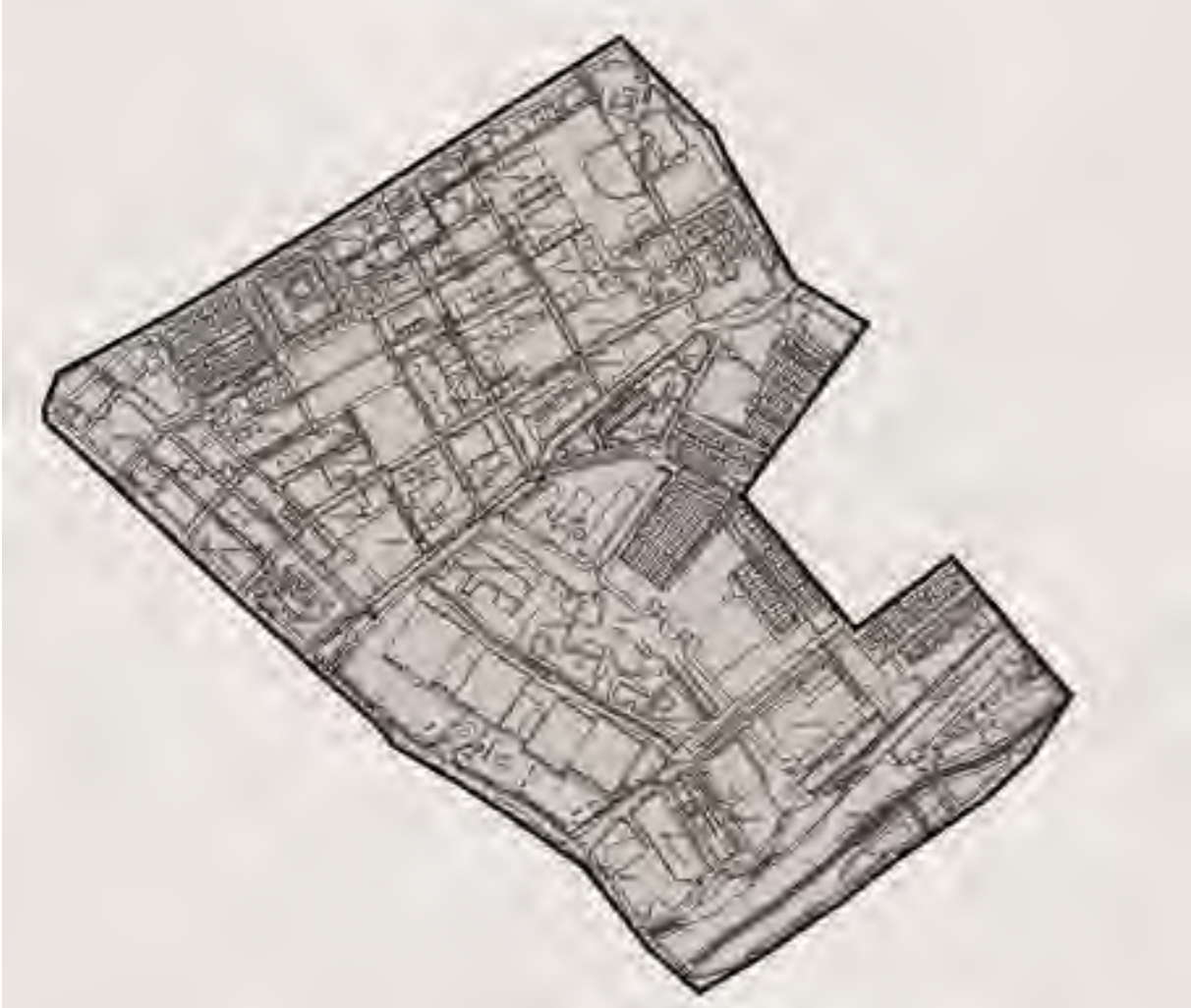
Appendix 8: Map of the Withington Stress Area to which a Special Hours Policy applies

Withington Stress Area



© Crown copyright and database rights 2012. Ordnance Survey 100019568.

Appendix 9: Map of Ancoats and New Islington
Regeneration Framework Area



Greater Manchester Drug and Alcohol Strategy

2019 – 2021

We want Greater Manchester to be a place where everyone can have the best start in life, live well and age well, safe from the harms caused by drugs and alcohol. Reducing these harms is central to improving the safety, wellbeing and prosperity of our city region.



Too many people in Greater Manchester become ill and are admitted to hospital or die because of alcohol and drug misuse, which can also be linked with other health and social problems such as trauma, depression, domestic abuse, debt, unemployment,

homelessness and offending.

Many families are affected, with children who grow up witnessing drug and alcohol misuse much more likely to develop problems themselves and see their life chances limited. That's why this strategy prioritises helping at the earliest opportunity and focusing on those young people and families most at risk of harm.

We want to encourage people - particularly our young people - to make informed choices and keep themselves safe. Key to this is working more closely with schools, communities and the voluntary sector to promote the best evidence-based drugs and alcohol education across Greater Manchester.

We will also continue to develop our innovative Drugs Early Warning System, reporting on drug trends and local drug issues to reduce drug related harms.

This Greater Manchester Drug and Alcohol Strategy has been shaped through extensive consultation and engagement with the public and the widest possible range of partners, stakeholders, voluntary and community sector organisations, and people with lived experience.

We are committed to working with our communities, building on our strengths, reforming and integrating our public services, and putting people in control of their lives and the places where they live.

Reducing the impact of alcohol and drug use is the responsibility of us all. Only through communities and services working in partnership together will we address the challenges we face.

We need to do things differently and that is the ambition of this strategy.

A handwritten signature in black ink that reads "Beverley Hughes".

Baroness Beverley Hughes
Deputy Mayor of Greater Manchester
for Policing and Crime

The harm caused by Drugs and Alcohol in Greater Manchester is extensive and affects all our communities and places pressure on many public services. We have a far bigger problem than most other places in England.

This first ever Greater Manchester Drug and Alcohol Strategy sets our collective approach to addressing this.



We are realistic in our level of ambition. What if we were average? We don't often aspire to be average in Greater Manchester. The devolution of health and care has enabled us to go further and faster to transform services and

improve outcomes. We are recognised nationally and internationally as pioneers and trailblazers in many areas of health, care and wider public service reform.

However, when it comes to drugs and alcohol, being average would be no mean feat and would lead to dramatic improvements in outcomes for local people.

If we were average, then every year almost 400 fewer people would die early as a direct result of alcohol and there would be over 7,500 fewer alcohol-specific hospital admissions.

If we had average levels of drug-related deaths, then over 100 fewer people would die over the life of this strategy.

Being average would have an enormous impact on the tens of thousands of children living with adults who are drug or alcohol dependent, the adverse childhood experiences that this can bring, and the impact that this has on school and life readiness.

These are not just statistics – these are real people, with real families and real lives.

The scale of the challenge is enormous, but it is not insurmountable. It requires us to work together and for each of us to play our part – this GM Drug and Alcohol Strategy is everybody's business.

We must and will do better.

By mobilising this strategy, we will:

- challenge social norms around alcohol consumption
- collaborate with colleagues across our public services and neighbourhoods to join up our approaches to prevention, early help and supporting those who are the most vulnerable
- maximise the role played by those with lived experience
- establish a treatment system that is truly focussed on long term sustained recovery
- work with colleagues in Primary Care to tackle addiction to prescribed and over the counter medicines
- invest in a world-leading programme to reduce alcohol exposed pregnancies
- prevent Blood Borne Viruses, such as Viral Hepatitis and HIV, by enhancing the opportunities for screening, testing and vaccination.

If we get this right, then being average will make an enormous difference.

Jon Rouse CBE

Chief Officer of the Greater Manchester Health and Social Care Partnership



Vision

Our vision is to make Greater Manchester a place where everyone can have the best start in life, live well and age well, safe from the harms caused by drugs and alcohol:

- A place where children, young people and families have the best start in life and future generations grow up protected from the impact of drug and alcohol misuse.
- A place where people who drink alcohol choose to do so responsibly and safely.
- A place where people are empowered to avoid using drugs and alcohol to cope with adversity and the stresses and strains of life.
- A place where our services and communities work together to build resilience and address the harms caused by drugs and alcohol.
- A place where individuals who develop drug and alcohol problems can recover and live fulfilling lives in strong resilient communities.

Our six priorities for making things better

Drugs and alcohol are everybody's business and we will work together with our communities and partners around the following key priorities:

1. Prevention and early intervention
2. Reducing drug and alcohol related harm
3. Building recovery in communities
4. Reducing drug and alcohol related crime and disorder
5. Managing availability and accessibility
6. Establishing diverse, vibrant and safe night-time economies

We will know we are making a difference if:

- There is a reduction in levels of drug and alcohol related harm
- There is a reduction in drug and alcohol related offending
- There is an increase in the number of people in recovery

We know that...



The rate of alcohol-specific mortality episodes per 100,000 in Greater Manchester is 50% higher than the England rate. This equates to 1,189 deaths in the latest three-year tracking period (2015-17). If the figure for GM had matched the England rate there would have been 396 fewer deaths over the three year tracking period (2015-2017).



There has been a 74% rise in drug related deaths in Greater Manchester over the last 10 years. This translates to 480 deaths in the latest three-year tracking period (2015-17). If the figure for GM was at the England average, this would equate to 136 fewer deaths per 3 year period.



The rate of hospital admissions for alcohol-specific conditions is 53% higher in Greater Manchester than the England average. In the most recent year of data (2016/17), there were over 22,000 admissions of this kind, with an estimated cost in the region of £43m. If the GM rate was the same as the England average, this would equate to over 7,500 fewer admissions and a saving approaching £15m per year.

Introduction

This first ever Greater Manchester Drug and Alcohol Strategy sets out our collective ambition to reduce significantly the risks and harms caused by drugs and alcohol and help make Greater Manchester one of the best places in the world to grow up, get on and grow old.

The Greater Manchester Drug and Alcohol Strategy has been subject to public consultation and co-designed with a wide range of stakeholders to provide a framework for localities and wider partners. It is underpinned by the principles of public service and place based reform which call for person centred approaches, integrated partnership working between services and a focus on collaboration, prevention and intervening early to stop problems escalating.

Drugs and alcohol are everybody's business. Drugs and alcohol impact on the health and wellbeing of our residents, the safety of our communities, and the vibrancy and economic future of our town centres and night time economies. It is everyone's responsibility to make sure we minimise the potential risks and harms they cause.

We continue to experience long-standing problems with alcohol and the financial cost of alcohol to Greater Manchester is significant. It is estimated that expenditure on alcohol related crime, health, worklessness and social care costs amount to £1.3bn per annum - approaching £500 per resident.

Alcohol places a significant burden on public services, causes health problems such as cancer, liver cirrhosis and heart disease, affects the well-being of families, and is a major contributor to domestic abuse, violent crime and public disorder. We know that the issues caused by alcohol are not simply about people becoming dependent and that too many people may be unaware that they are drinking to harmful levels.

Street drugs such as heroin, cocaine and ecstasy have become stronger and more dangerous as purity rates have increased, and the array of drugs being used is greater than ever before; these include over-the-counter and prescription drugs, image and performance enhancing drugs such as steroids, and a range of more recently formulated drugs known as New Psychoactive Substances (NPS).

We know that the vast majority of national surveys have shown a long term downward trend in drug and alcohol use amongst adults and young people. We also know that locally our treatment services are more recovery focused than they used to be and that more people are successfully completing treatment, but there

is much more to be done.

In comparison to the rest of the country, drug and alcohol misuse has a disproportionate impact on health and life expectancy in Greater Manchester. The demands that unsafe drug and alcohol consumption are placing on our NHS services are a real cause for concern and we know that our mortality rates and hospital admissions, including those for young people, are significantly higher than the national average.

Parental problem drug and alcohol use can and does cause serious harm to children at every age from conception to adulthood. Drug and alcohol misuse are often intertwined with a range of other mental health and social problems, including: depression and anxiety; domestic abuse; loss; trauma; housing needs; unemployment; debt; offending; and severe mental disorders such as schizophrenia. In the wider context of complex dependency, annual public expenditure on people with overlapping substance misuse, offending, homelessness and mental health issues is estimated at £20,000 per person.



Delivering our vision

Devolution and our history of collaborative working provides a platform for this first ever Greater Manchester Drug and Alcohol Strategy to transform the way we deliver services and prevent and reduce the harms that drug and alcohol use cause within our city region.

Individuals, communities, public services, the voluntary, community and faith sectors and private business all need to play their part in addressing the challenges we face and it is crucial that we involve people with lived experience in developing our solutions and building recovery communities.

Where appropriate, we will seek to identify and commit additional investment at a Greater Manchester and locality level but this strategy is not about doing more of the same at greater cost. For the most part, it is about doing

things differently, maximising our existing resources, exploring digital solutions and making the most of the opportunities for transformation that exist within Greater Manchester.

Our approach will be underpinned by a commitment to evaluating what we do, learning the lessons from Greater Manchester and elsewhere, striving for continual improvement and increasingly harnessing the wealth of assets that exist within our local communities. We will do this through a recognised life course approach that focuses on

supporting children, young people, adults, and the families they are part of, to start well, live well and age well.

Drug and alcohol commissioners from across our ten local authority areas have come together to make a start on delivering our vision and have worked collectively to develop a set of shared principles, common standards and outcomes that promote consistent, effective and efficient service delivery across Greater Manchester.

START WELL

We are committed to delivering integrated services for children and families and building on the principles of early intervention and prevention across all localities in Greater Manchester.

LIVE WELL

We are committed to maximising all opportunities to improve the health of Greater Manchester residents in mid adulthood and ensuring that everyone has the opportunity to fulfil their potential.

AGE WELL

We are committed to supporting people to maintain good health, wellbeing and independence for as long as possible, and ensuring that people with drug and alcohol needs are afforded choice, dignity and respect at the end of their lives.

We are transforming the way our services deliver so that we can increasingly focus on targeting and intervening at the earliest possible opportunity. Central to our ambition to reduce the harms caused by drugs and alcohol, and help protect future generations, is a commitment to ensuring our services work more closely together to support those children, young people, families and communities most at risk from the impact of drug and alcohol misuse before problems arise.

Greater Manchester is developing new ways of commissioning and establishing Integrated Care Systems. A Greater Manchester Commissioning Hub will support commissioning at the city region level and function alongside local commissioning and Locality Care Organisations which will integrate health and care services across localities and neighbourhoods. This neighbourhood focus is crucial to our ambition to integrate across public services so that they respond to the needs of individuals and communities in a way that recognises the whole person and what matters most to them.

There will be a clear shift towards outcome-based approaches that will have a real impact on the lives of local people, improve the health and wellbeing of the most vulnerable, and reduce the inequalities that drugs and alcohol both contribute to and cause.

In the context of integrated commissioning and delivery, we are clear that our drug and alcohol services need to better integrate with other provision in a place. To effectively impact the root causes of drug and alcohol problems we know that we need to address wider complexity and bring together mental health, criminal

justice, skills and work, housing and other place based services.

We will ensure that we maximise the role played by primary care in the heart of our neighbourhoods, and will specifically seek to ensure that Healthy Living Frameworks for Pharmacy, Optometry and Dentistry support these sectors to play an active role in addressing the harms caused by drug and alcohol use.

We will seek to develop new models of care which better integrate community and hospital based services, reduce drug and alcohol related hospital admissions, promote recovery and improve overall health outcomes.

We will continue to identify what is best commissioned and delivered at a Greater Manchester level, what is best done locally, and what is best done by localities working together in clusters. For example;

Greater Manchester

- Common service standards and offers (e.g. liaison and diversion)
- Big Alcohol Conversation
- Residential Rehabilitation and In-patient Detox Framework
- Drugs Early Warning System
- Monitoring and Understanding Drug Related Deaths

Clusters

- Community Sentence Treatment Requirement pilot
- Alcohol Exposed Pregnancy Programme
- Treatment Services
- Integration of hospital and community based services

Locality

- Links between treatment services and key support services
- Building Recovery Communities
- Treatment Services
- Integration with place based working
- Closer working between drug and alcohol services and children's services

We will implement this strategy in partnership with local people living within Greater Manchester communities, placing people at the heart of our ambitions, and taking services to where people are. We know that we have made some good progress over recent years but there is much more to be done. We are committed to involving and engaging local people, including those with specific drug and alcohol needs, in co-design and collaborative approaches to preventing harm and delivering services. To kick start this, we undertook a "Big Alcohol Conversation" which engaged local residents in a meaningful dialogue about the scale and nature of alcohol related harm, the causes of alcohol related harm and potential solutions. This was the largest engagement around alcohol ever undertaken in Greater Manchester.

We will maximise the opportunities afforded by devolution, and the recently agreed Greater Manchester Combined Authority (Public Health) Order 2017, to explore the evidence base around legislative and policy solutions for reducing alcohol related harm, such as minimum unit pricing for alcohol and the establishment of health as a fifth alcohol licensing objective.

How will the Drug and Alcohol Strategy help us achieve our Strategic Ambition for Greater Manchester?

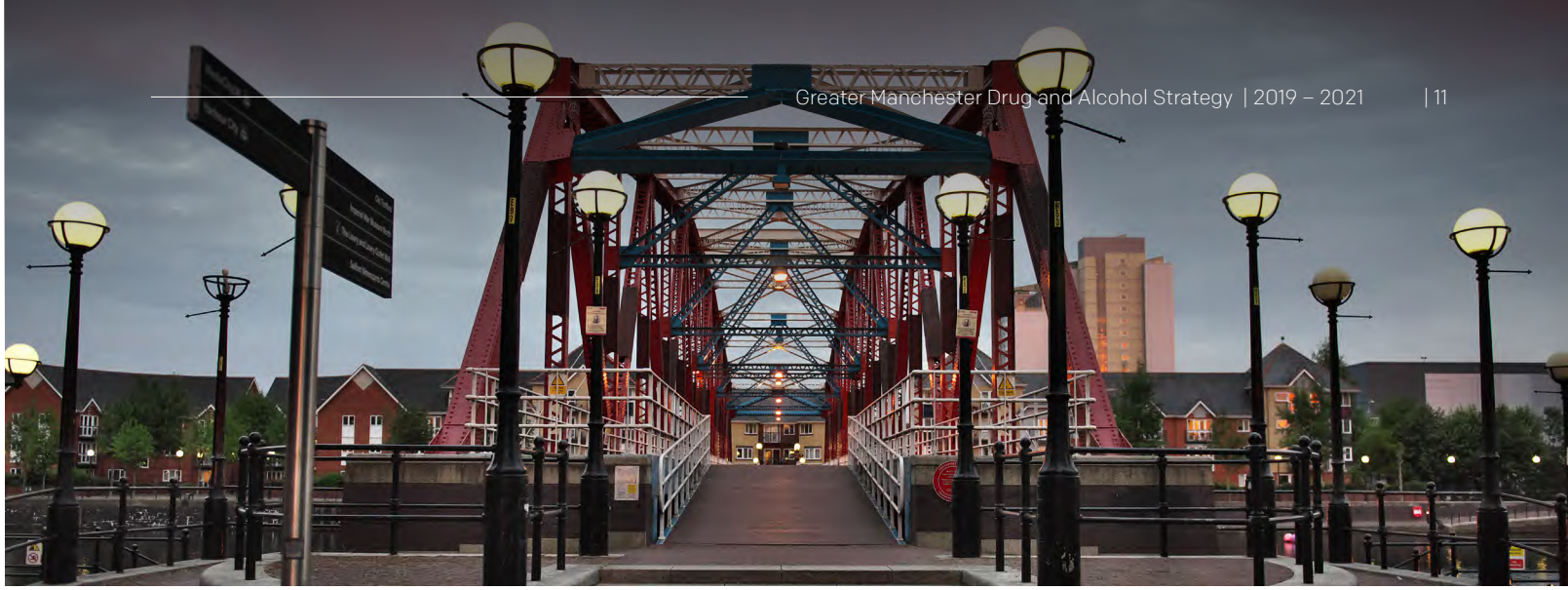
The strategy will be underpinned by the principles of public service and place based reform:

- **A new relationship** between public services and citizens, communities and businesses that enables shared decision making, democratic accountability and voice, genuine co-production and joint delivery of services. Do with, not to.
- **An asset based approach** that recognises and builds on the strengths of individuals, families and our communities rather than focusing on the deficits.
- **Behaviour change** in our communities that builds independence and supports residents to be in control.
- **A place based approach that redefines services** and places individuals, families, communities at the heart.
- A stronger prioritisation of **wellbeing, prevention and early intervention**.
- An **evidence led** understanding of risk and impact to ensure the right intervention at the right time.
- An approach that supports the development of **new investment and resourcing models**, enabling collaboration with a wide range of organisations.

Place based reform represents a completely new approach to public service delivery which calls for person centred approaches, integrated partnership working between services and a focus on collaboration, prevention and intervening early to stop problems escalating. Underlying this approach there will be System Standards for all Public Service and Health and Care Organisations across Greater Manchester which will inform all our strategic plans and the design of all our programmes of work.

Drugs and alcohol are everybody's business and this strategy will work alongside the other key strategies that set out our shared ambitions for Greater Manchester.





Our People, Our Place, The Greater Manchester Strategy

clearly sets out our ambition to make Greater Manchester an inclusive and productive city region where everyone and every place can succeed. Person and community centred approaches are key to integrating our services and working alongside local people to make a real difference to their lives and the places they live in. Our ambition will only be achieved through new approaches which are shaped and driven by our communities themselves.

Taking Charge of our Health and Social Care in Greater Manchester

commits to radical change and the development of a new relationship with citizens and communities across all public services in order to achieve the greatest and fastest improvement to the health, wealth and wellbeing of the 2.8 million people who live in Greater Manchester - so that everyone can start well, live well and age well.

Standing Together, the plan for police, community safety, criminal justice services and citizens in Greater Manchester, similarly recognises a pressing need for better integration of services and that no single organisation or community acting alone can keep people safe, reduce harm and build cohesive, strong communities.

Developing the Strategy

Greater Manchester Combined Authority

Representatives from the Voluntary and Community and Social Enterprise Sector

Greater Manchester Health and Social Care Partnership

The Ten Greater Manchester Local Authorities Chief Executives

Greater Manchester Directors of Public Health

Greater Manchester Substance Misuse Commissioners

Greater Manchester Justice and Rehabilitation Executive Board

People with lived experience

Greater Manchester Police

The Association of Clinical Commissioning Groups

Directors of Commissioning

Local Authority Elected Members for Police and Crime

Local Authority Elected Members for Licensing

Local Authority Elected Members for Health Scrutiny and Health and Wellbeing

Local Authority Elected Members for Children's Services

Greater Manchester Fire and Rescue Service

Public Health England North West

Homelessness Action Network

Our 6 priorities for making things better

1. Prevention and early intervention

We know that...



Of young people entering drug and alcohol treatment in Greater Manchester, we know that typically:

23% report experience of domestic abuse

13% will be Children In Need

23% self-harm

14% will be not in education, training and employment



It is estimated in 2016/17 across Greater Manchester:

Over 15,000 children were living with alcohol dependent adults

A further 11,000 children were living with an opiate dependent adult



In 2016/17, 5,000 adults entering treatment had or were living with children:

Children from a family with a history of drug and alcohol misuse are 7 times more likely to develop a problem themselves

1,195

It is estimated that In Greater Manchester during 2016:

1,195 babies were born with Foetal Alcohol Spectrum Disorder

We will

- 1.1 Focus on challenging social norms around alcohol in our communities.
- 1.2 Develop drug and alcohol health campaigns and messages that are credible to our residents.
- 1.3 Reduce alcohol exposed pregnancies and eliminate new cases of Foetal Alcohol Spectrum Disorder (FASD).
- 1.4 Work with localities to promote best prevention practice with our schools and local communities.
- 1.5 Apply a targeted approach to young people, adults and families most at risk of harm from drugs and alcohol.
- 1.6 Adopt a place based approach that prioritises early help.
- 1.7 Support workforce development that focuses on making drugs and alcohol everybody's business.

Start Well

Too many children in Greater Manchester are directly or indirectly harmed as a result of the drug and alcohol consumption of those around them. We will place renewed emphasis on addressing this.

We will focus on reducing the harm caused to unborn babies due to maternal drug and alcohol misuse by developing transformational approaches to reducing consumption before and during pregnancy.

Children and young people are naturally curious and this means they may decide to try drugs and alcohol as part of growing up. Many young people who try drugs and alcohol do so without coming to harm, but for a number of reasons some may take risks that make them vulnerable to harm both from what they are taking and the situations they find themselves in.

There is little evidence that drug and alcohol education consisting solely of information giving can affect behaviour, however it is nationally recognised that good quality interventions designed to build confidence, resilience and effective decision-making skills can have a preventative impact.

We will work with localities to promote the best evidence based drugs and alcohol education and prevention activities for schools and services and community groups that have contact with our children, young people and families.

We know that young people and adults who develop drug and alcohol problems are less likely to fulfil their full potential and that certain groups of young people, particularly those who have suffered adverse childhood experiences, are more likely to develop drug and alcohol problems that will accompany

them into adulthood. These include; the children of parents with drug and alcohol problems, those who have experienced the care system, young offenders, those not in education, training or employment, and those with mental health issues.

For those in the early stages of drug and alcohol use we need to make sure that we are all maximising every opportunity to intervene. We will work with localities to encourage close working relationships and routine information sharing between Children's Services and drug and alcohol services.

The voice of the child will be central to the work we will do with services accessed by children and young people and we will develop common standards that inform the interaction between Children's Services and drug and alcohol services.



Live Well and Age Well

It is essential that we get our public health messages right and that we encourage both young people and adults to behave safely and responsibly. We are also increasingly aware of the need to address emerging issues among some of our older populations who are drinking excessively, often to cope with social isolation.

We will promote collaborative public health and community action and activity that encourages lower risk drinking and earlier intervention with those most at risk of harm and those experiencing alcohol and drug related problems.

We will improve early identification and the targeting of high risk groups and communities through the development of a place-based approach. We will commission based on an understanding of need in a place and work towards integrating our local delivery at a neighbourhood level. We will also prioritise workforce training that equips staff to have the right conversation with people at the right time, taking a strengths based approach, and putting what matters to people at the centre.

We will focus on ensuring that drug and alcohol services work closely with primary care, other

health and social care agencies and wider public services established to help meet the complex and overlapping needs of children, young people, adults and their families, including pathways for pregnant women.

A consistent approach for reporting on emerging drug trends and sharing our understanding of local drugs issues is crucial to reducing drug related harms. That is why we have developed and will build on Greater Manchester's Drugs Early Warning System, which is recognised nationally as best practice.

2. Reducing drug and alcohol related harm

We know that...

40% HIGHER

Admission episodes for alcohol-specific conditions for Under 18s in Greater Manchester are 40% higher than the England average. If the figure for GM was at the national average, this would mean 86 fewer admissions annually and a saving in the region of £180,000 per year.



There has been a 48% increase in hospital admissions related to substance misuse amongst those aged 15-24 over the last 6 years in Greater Manchester. There was a total of 1,287 admission in the latest 3-year reporting period (2014/15 - 16/17). The GM rate of admissions per 100,000 population aged 15-24 years is 31% higher than the England rate. If the figure for GM was at the England average, this would equate to an estimated 100 fewer admissions per annum.



Greater Manchester Fire and Rescue Service Learning from Accidental and Non-Accidental Fatal Fire Incidents Report (2007-2016), found that of accidental fire deaths in the home:

- Alcohol was a contributory factor in 44% of incidents.
- Illicit drugs were a contributory factor in 11% of incidents.
- In 45% of incidents the victim was taking prescribed or over the counter medication.

We will

- 2.1 Reduce the number of deaths caused by alcohol and drugs.
- 2.2 Address the impact of drug and alcohol use on our most vulnerable people, including those with multiple needs and co-existing drug, alcohol, housing and mental health problems.
- 2.3 Work with colleagues from across primary and secondary healthcare to review the use of potentially addictive prescribed and over the counter medicines, with a particular focus on prescribing practices and responding to addiction.
- 2.4 Focus on blood borne viruses to help achieve the strategic aims of eliminating HIV and Hepatitis C as public health issues.
- 2.5 Focus on improving the physical health of people with drug and alcohol problems through screening and early identification.
- 2.6 Encourage our public services to lead by example and develop and implement workplace policies to reduce drug and alcohol related harm for employees.
- 2.7 Support public services to provide fire safety advice to people with drug and alcohol problems and make referrals for Greater Manchester Fire and Rescue Service home visits.
- 2.8 Develop opportunities for digital health and community based asset approaches to offer the widest possible response to addressing drug and alcohol harm.

Start Well

We will take a whole family approach to addressing parental substance misuse and reduce the harms caused to children through multi-agency working that takes account of wider family needs and complexities.

When children and young people are admitted to hospital for drug and alcohol related incidents, we will ensure that our community and hospital services work closely together with them, their families and significant others, to address underlying risks and issues and reduce the likelihood of a repeat occurrence.

We will offer opportunities for children and young people to access workers who can offer age appropriate interventions and are skilled in understanding and responding to their developmental needs.

Live Well

Too many lives in Greater Manchester are cut short from the misuse of drugs and alcohol and we need to renew our efforts to reverse this through consistent approaches which optimise the use of our resources.

We will develop opportunities for digital health and community based asset approaches to offer the widest possible response to addressing drug and alcohol harm.

We will achieve better outcomes for people with complex and multiple problems through integrated care that reduces duplication and prevents people from slipping through the net. This means bringing mental health and drug and alcohol services closer together and ensuring

that they work in conjunction with those addressing needs in key areas such as homelessness and offending behaviour.

We will also work to integrate drug and alcohol services based in our hospitals and our communities, including primary care, to promote recovery and reduce drug and alcohol related hospital admissions.

We will take a targeted approach to those young people and adults who most frequently attend hospital for drug and alcohol related incidents and conditions.

We recognise the potential for people to become dependent on prescription and over-the-counter medicines, particularly as they grow older. Our services will continue to offer support for people who develop such problems. We will work with healthcare specialists to review the prescribing of these medications and encourage greater use of community based social prescribing to improve mental health and wellbeing.

We know that people from communities of identity and interest, including sexuality, gender identity, ethnicity, disability or life experience (such as veterans), often have particular needs relating to drug and alcohol use and may face barriers in accessing services. We need to connect with these communities and ensure that barriers to seeking advice and engaging in treatment are removed through co-production and co-design.

We will reduce incidence of HIV and other blood borne viruses by maximising every opportunity to provide clean injecting equipment and targeted harm

reduction advice for those that inject drugs. We will also make sure that injecting drug users are clear about how to safely dispose of the equipment.

Drug and alcohol services will also continue to routinely test for blood borne viruses, administer vaccinations (e.g. for Hepatitis B), and proactively encourage those who test positive to seek treatment from wider health services.

We will encourage our public services to lead by example and develop and implement workplace policies to reduce drug and alcohol related harm for employees.

We will build on existing best practice to develop a Greater Manchester approach to reducing drug and alcohol related fire risk. Partnership arrangements will ensure that routine assessments of people attending drug and alcohol services where fire safety risk is identified are appropriately followed up by home visits from the Greater Manchester Fire and Rescue Service or other suitably qualified organisations.

Age Well

A large proportion of those with drug and alcohol misuse problems, particularly opiate users, have been in treatment for several years and this aging population have prematurely developed additional long-term, chronic health problems. We need to ensure that drug and alcohol services identify these health problems as early as possible and clearly link with the wider health system responsible for addressing them.



3. Building recovery in communities

We know that...



The claimant rate for Incapacity Benefit, where Alcohol Misuse is the main disabling condition, is 75% higher in Greater Manchester than the national average. If the figure for GM was the same as the national average, 1,715 fewer people would be in receipt of Incapacity Benefit and the fiscal saving would be in the region of £16m per year.



On entering drug and alcohol treatment in Greater Manchester, 22% of adults were in contact with mental health services.



On entering drug and alcohol treatment in Greater Manchester, 15% of adults identify as having a housing problem, and 73% will not be in regular employment.

We will

- 3.1 Support Greater Manchester to be a resilient city region and commit to a collaborative partnership with our communities.
- 3.2 Develop community-led alternatives to traditional drug and alcohol treatment with a focus on social prescribing.
- 3.3 Ensure recovery is visible in our communities and throughout treatment journeys.
- 3.4 Promote recovery models based on a detailed understanding of the different needs of our treatment populations.
- 3.5 Involve those with lived experience in the design and delivery of person and community centred approaches.
- 3.6 Clearly link treatment systems to key support services (e.g. mental health, housing and homelessness support services, employment, education and training).
- 3.7 Promote wellbeing and recovery by clearly linking treatment systems with voluntary and community based organisations.

Live Well

Person and community centered approaches are central to our Greater Manchester Strategy and to our Health and Social Care, “Taking Charge” Strategy.

As part of our commitment to support rehabilitation and build recovery in our communities, it is crucial that we involve service users and people with lived experience in the design and delivery of drug and alcohol services. For people to build their own successful recovery we need to make sure we understand the different needs of our treatment populations and deliver the right support at the right time. We will promote approaches that focus on people’s assets, reduce stigma, and encourage them to help themselves and others in recovery communities.

Traditional treatment services have an important role to play but are not the only solution and we will increase the proportion of those with drug and alcohol needs who are accessing help by enhancing the range of support that is available in the heart of local communities.

Key to this is working with communities to ensure that they have the knowledge, skills and confidence to play an active role in managing their own health and wellbeing.

Our groundbreaking Communities in Charge of Alcohol (CICA) programme is being rolled out across our local authorities. CICA aims to kick-start the development of a volunteer network of Community Alcohol Health Champions. Working in partnership with the Royal Society for Public Health, volunteers will receive accredited training to become “Alcohol Health Champions” in neighbourhoods that experience high levels of alcohol related harm. They will give alcohol related advice to individuals and help communities to influence alcohol availability through greater involvement in local licensing processes.

We will build on this and seek to continually develop innovative and wide-ranging community-led alternatives to formal alcohol treatment, with a particular focus upon those areas and groups who experience the highest levels of alcohol related harm, and with an emphasis on supporting people earlier and more effectively. In order to achieve this we will maximise the role played by local people and the voluntary and community sector in supporting long term sustained recovery.

At a neighbourhood level, we are focusing on helping people to help themselves through developing integrated place based services that are responsive to

local need, build on the assets of the community and create capacity to deliver change. These integrated teams will work to improve individual and community resilience by understanding individual needs in the context of the family and their community.

To support people to lead meaningful and fulfilling lives we also need responsive treatment and recovery systems that are clearly integrated with broader support and community provision that address key factors such as physical and mental health, housing and homelessness, employment, education and training.

For people with high levels of need we recognise the need to further develop and link with specialist psychological and counselling support that addresses trauma (including adverse childhood experiences), bereavement and post-traumatic stress disorder.

Having somewhere decent to live, a job or something to do, and someone to love are critical to having a sense of social belonging and purpose. This will increasingly become the primary focus of all our support services at every stage in an individual’s recovery journey. We will ensure that those in successful recovery are clearly visible to their peers as examples of hope and what is achievable.



4. Reducing alcohol and drug related crime and disorder

We know that...



Drug misuse is associated with risk of reoffending for 35% of offenders in Greater Manchester. For alcohol the figure rises to 44% (National Probation Service and Community Rehabilitation Company Local Data). National evidence suggests that individuals dependent on opioids and/or crack cocaine are responsible for an estimated 45% of acquisitive crime (shoplifting, burglary, vehicle crime and robbery).



Intelligence from Greater Manchester Police indicates that nearly 9 in 10 organised crime groups in Greater Manchester are involved in drug related activity.



Greater Manchester Police data for 2017/18, shows that 15% of crimes classed as 'Violence Against The Person', and 7% of Sexual Offences, were flagged as alcohol related.

We will

- 4.1 Improve public confidence through collaborative problem solving and community based multi-agency campaigns which address drug litter, open use of drugs, and drug and alcohol related anti-social behaviour.
- 4.2 Maximise every opportunity to address offending behaviour that is driven by the use of drugs and alcohol.
- 4.3 Work with criminal justice partners to ensure that responses to young people's drug and alcohol related offending are appropriate to their needs.
- 4.4 Develop a set of common standards that clearly identify "what works" in reducing drug and alcohol related offending.
- 4.5 Work with prisons to create clear resettlement pathways and reduce reoffending.
- 4.6 Strengthen partnership responses to address the impact that drugs and alcohol play in the exploitation of vulnerable children, young people and adults including:
 - i) domestic abuse
 - ii) violent crime
 - iii) sexual offences
 - iv) child sexual exploitation
 - v) modern day slavery

Start Well

Early identification and intervention are key to supporting vulnerable young people at risk of offending and drug and alcohol misuse. It is essential that local agencies including youth offending teams, police, custody healthcare, looked after children's services, education and health services take every opportunity to identify young people at an early stage and work together to put in place appropriate support.

For those young people who have come into contact with the Criminal Justice System it is important that we identify their needs and put in place adequate provision to support the young person's desistance from further crime. Where substance misuse is a part of wider issues in a young person's life, it is important to take an integrated multi-agency response, including family support.

Live Well

We have previously seen significant reductions in drug and alcohol related crime and disorder in our neighbourhoods and town centres but there is a perception that some problems are re-emerging and that the historical progress made is reversing as a result of austerity. We recognise this decline in resources. It is imperative that we integrate and make the best use of those that remain. We also recognise the more recent issues relating to the visible use of drugs such as spice amongst our vulnerable populations and the need for partnership solutions.

Drug and alcohol related anti-social behaviour, including visible drug use and drug litter, impact negatively on public perceptions and we will promote the use of geographically focused multi-agency campaigns to address these issues.

There is a clear link between drugs and alcohol and domestic abuse and we will promote a consistent evidence based approach to both reducing offending behaviour and victim risk using family centered approaches.

We will focus on reducing the risks for our most vulnerable people. We recognise that the criminal exploitation of children and vulnerable adults can take many forms including the use of drugs and alcohol in grooming. Gangs typically use children, young people and vulnerable adults to deliver drugs to customers and this often involves them being subjected to deception, intimidation, violence, and financial exploitation.

Recognising the complexity of offending behaviour, we will ensure a consistent approach to reducing the impact that drug and alcohol use has on offending across Greater Manchester by focusing on three key areas: diversion, treatment and enforcement.

Diversion: The Criminal Justice System offers a number of routes into support and treatment. Our local programmes such as Liaison and Diversion in our police custody suites give us the opportunity to make sure that offenders are offered the right help at the right time.

Consistency of approach across Greater Manchester is crucial and we will work with drug and alcohol services and commissioners to create a set of common standards for working with offenders.

Treatment: It is important that those involved in drug and alcohol related crime are given every opportunity to address their offending behaviour as well as being punished for their actions. We will ensure that our criminal justice agencies and drug and alcohol services work better together. We will promote the use of out of court disposals and community sentences, such as drug and alcohol treatment requirements which require offenders to engage with services, and we will work closely with prisons in the resettlement of offenders.

Enforcement: There is evidence that drug law enforcement action can have some local impact but when delivered in isolation the benefits can be short-lived. The evidence suggests it is far more effective to identify underlying problems in a place and for communities and services to work together to resolve them.

5. Managing Availability and Accessibility

We know that...



Approaching a third of Greater Manchester residents (31%) perceive a very/fairly big problem with 'people using or dealing drugs' (England and Wales = 23%).

74%

74% of frontline practitioners in Greater Manchester feel that the public is more concerned now with people using or dealing drugs openly in their areas than three years ago.



Approaching a quarter of Greater Manchester residents (23%) say that, in their local area, there is a very/fairly big problem with 'people being drunk or rowdy in public places' (England and Wales = 16%).

We will

- 5.1 Involve communities in alcohol licensing and regulation.
- 5.2 Influence Government around Minimum Unit Pricing of alcohol in England, best practice licensing and responsible alcohol marketing.
- 5.3 Use the opportunities afforded by Greater Manchester devolution to review the evidence for legislative and policy solutions such as Minimum Unit Pricing for alcohol and the introduction of Health as a fifth alcohol licensing objective.
- 5.4 Introduce a Greater Manchester Statement of Licensing Policy.
- 5.5 Focus on local communities and services working together to resolve the underlying causes of drug and alcohol related crime.
- 5.6 Support law enforcement agencies to restrict the supply and availability of illicit drugs.
- 5.7 Ensure we have a Greater Manchester wide approach to developing our understanding of drug markets and trends.

Live Well

Coordinated partnership action between services is central to supporting resilient communities and working with people to build places they are proud to be from and feel safe living in. Local people need to be empowered to work with the police and other agencies in reducing the availability and accessibility of drugs. They also need to be more closely involved in the licensing and regulatory processes which influence the availability and accessibility of alcohol.

The role out of the Communities in Charge of Alcohol (CiCA) Programme in neighbourhoods experiencing alcohol problems across Greater Manchester will see the creation of a network of community champions' best placed to represent local views and influence local licensing decision making.

We will work with national and regional partners to review the evidence base in relation to Minimum Unit Pricing for alcohol.

We will also continue to influence Government around the availability of high strength alcohol products, the inclusion of health as a fifth alcohol licensing objective, and a watershed for alcohol advertising.

National mandatory licensing conditions require that all businesses selling alcohol, for consumption either on or off their premises, should demand to see photographic identification when they think a person attempting to buy alcohol may not be an adult. We will work with our localities to promote best practice and campaigns that support full implementation of this legislation across Greater Manchester.

We will also work with our localities to better understand the learning from the use of Cumulative Impact Policies (CIPs) and their role in strengthening the ability of authorities to regulate the availability of alcohol in Greater Manchester and elsewhere in the country.

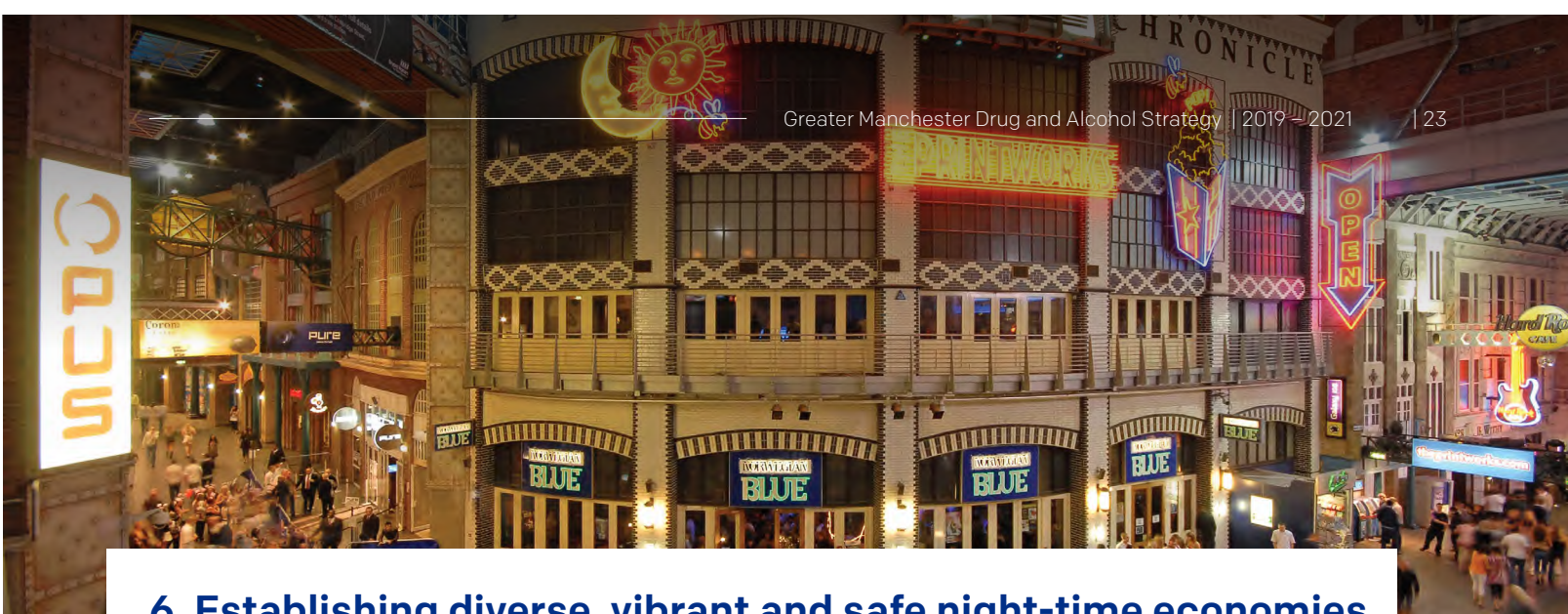
All local authorities are required by law to have a Statement of

Licensing Policy (SOLP) that explains the council's approach to licensing. We will develop a SOLP for Greater Manchester for implementation in each of our ten local authorities which highlights best practice and harmonises our approaches to reducing alcohol related harm.

There are continued and sustained efforts by law enforcement agencies operating within Greater Manchester to restrict the supply and availability of illicit drugs, particularly those that cause the most harm to our communities. Our enforcement agencies fully recognise that community and local partnership engagement is vital to maintaining the successes their activities achieve.

Building on our established Drugs Early Warning System will enable us to monitor drug trends and markets by linking information held across partner agencies, conducting research with key informants and routine testing of substances to monitor purity levels, adulterants and the emergence of new drugs.





6. Establishing diverse, vibrant and safe night-time economies

We know that...



Nearly two thirds of violent incidents in public spaces are perceived by victims as alcohol related. Over three quarters of victims of violence that takes place after 10pm perceive the offender(s) to have been under the influence of alcohol.



89% of ambulance service workers in the UK believe that dealing with alcohol related ambulance callouts placed an unnecessary burden on their time and resources. On average, 37% of ambulance service time is taken up dealing with alcohol related incidents.



92% of police officers in the UK feel that policing the Night Time Economy (NTE) has a large impact on their workload. 76% of police officers say they have been injured through dealing with drunkenness when working in the night-time economy (65% on multiple occasions).

We will

- 6.1 Share best practice and further improve our understanding of developing night time economies across Greater Manchester.
- 6.2 Support local partnership initiatives that promote safe, vibrant and diverse night time economies.
- 6.3 Work in partnership with those supporting homeless and rough sleepers where drugs and alcohol use are an issue.
- 6.4 Encourage a shared Greater Manchester conversation with businesses about responsible trading and social accountability.
- 6.5 Develop a Greater Manchester approach to managing messages and campaigns aimed at the public.
- 6.6 Focus on the use of public transport with potential campaigns on going out and getting home safely.

Live Well

Vibrant and safe night time economies are important to our city and town centres. The vast majority of people who visit them enjoy socialising and drinking sensibly but the behaviour of a minority has a significant adverse impact on public perceptions and places substantial demands on our health and criminal justice services.

The Greater Manchester Strategy highlights the importance of developing thriving night time economies in all our regional and town centres across Greater Manchester. A Greater Manchester Night Time Economy Adviser will lead on issues relating to the night time economy with a strong focus on public safety, transport and policing.

We know that many of our night time economies are heavily alcohol-led. We will work in partnership with local

areas developing night time economy strategies to help reduce crime, anti-social behaviour and vulnerability.

We will build on the successes of our previous Greater Manchester Alcohol Strategy (2014-2017), in particular promoting the effective, appropriate and consistent use of our existing licensing tools and regulatory powers.

We will continue to develop and share best practice in relation to partnership based initiatives such as Pubwatch, Best Bar None, Community Alcohol Partnerships and Purple Flag, as well as the Proof of Age Standards Scheme and Drinkaware.

We will also promote initiatives which reduce the potential for drug and alcohol related harms and place emphasis on ensuring personal safety.

Locally we will all work together to prevent drug and alcohol related crime and disorder, to make sure

our town centres thrive and that people feel safe and secure. This can only be achieved through partnership working between local authorities, the police, health partners, universities, colleges and education partners, businesses and the voluntary and community sector. This includes the social accountability of businesses and retailers who have a direct stake in maintaining safe and viable night time economies. It is also important that people themselves play their part, taking personal responsibility for their own behaviour and the amount of alcohol they consume.



All England Official Transcripts (1997-2008)

Daniel Thwaites plc v Wirral Borough Magistrates' Court

Licensing - Licence - Application for licence - Guidance issued by Secretary of State as to discharge of functions under legislation - Licensing authority granting licence - Local objectors appealing to magistrates' court - Magistrates' court imposing restrictions - Whether restrictions necessary to promote licensing objective - Whether magistrates' court having proper regard to guidance - Whether decision of magistrates' court lawful - Licensing Act 2003, s 4

[2008] EWHC 838 (Admin), CO/5533/2006, (Transcript: Wordwave International Ltd (A Merrill Communications Company))

QUEEN'S BENCH DIVISION (ADMINISTRATIVE COURT)

BLACK J

10 MARCH, 6 MAY 2008

6 MAY 2008

This is a signed judgment handed down by the judge, with a direction that no further record or transcript need be made pursuant to Practice Direction 6.1 to Pt 39 of the Civil Procedure Rules (formerly RSC Ord 59, r (1)(f), Ord 68, r 1). See Practice Note dated 9 July 1990, [1990] 2 All ER 1024.

D MW Pickup for the Claimant

The Defendant did not appear and was not represented

D Flood for the First Interested Party

M Copeland for the Second Interested Party

Naphens plc; Kirwans; Wirral MBC

BLACK J:

[1] This is an application by Daniel Thwaites plc ("the Claimant") for judicial review of a licensing decision made by the Wirral Magistrates' Court ("the Magistrates' Court") on 5 April 2006 and that court's decision on 21 April 2006 concerning the costs of the proceedings. The Claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Pitchford J on 2 November 2006.

THE FACTUAL BACKGROUND

[2] The Claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises ("the premises"). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the Licensing Sub-Committee of the Metropolitan Borough of Wirral ("the licensing authority")

for the existing licence to be converted to a premises licence under the Licensing Act 2003 and for the licence to be varied simultaneously.

[3] In essence, the Claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the Claimant initially proposed. The Claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11pm and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1pm, with the doors closing one hour after the last alcohol sale every night.

[4] The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society ("the First Interested Party") and other Saughall Massie residents.

[5] The Claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later "on special occasions" This was a matter of which the licensing authority took note as is recorded in the minutes of their determination.

[6] The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays. Special arrangements were also permitted for New Year's Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11pm, that the premises must promote the use of taxi firms which use a call-back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.

[7] The Saughall Massie Conservation Society and "others" appealed against the licensing decision to the Magistrates' Court on the ground that the licensing authority's decision "was not made with a view to promotion of and in accordance with the licensing objectives pursuant to s 4, Pt 2 of the Licensing Act 2003".

[8] The appeal occupied the Magistrates' Court from 3 - 5 April 2006. The Respondents to the appeal were the licensing authority and the Claimant which both defended the licensing authority's decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yehya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.

[9] The justices granted the appeal. Their Reasons run to three pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11pm and alcohol sales until 11.30pm on all nights except Friday and Saturday when entertainment would be permitted until 11.30pm and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1am. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year's Eve and the conditions of the licence remained unaltered.

[10] The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the Magistrates' Court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their Reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The Chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the Chairman of the Bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices' Reasons make no reference at all to these matters. As to the statements of the "Witnesses of the Appellant", they say simply that they have read and considered them but attached little or no weight to them.

[11] The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their Response to the Claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Pickstock (the legal advisor), and what is said in the index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have *any* regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the Reasons. It is established by authorities such as *R v Westminster City Council ex parte Ermakov* [1996] 2 All ER 302, 95 LGR 119, [1996] 2 FCR 208 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

THE BROAD NATURE OF THE CLAIM IN RELATION TO THE LICENSING DECISION

[12] The Claimant argues that the Magistrates' Court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Licensing Act 2003 ("the Act") and imposed restrictions on the Claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed Magistrates' Court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

THE LEGAL BACKGROUND

[13] The Licensing Act 2003 was intended to provide a "more efficient" "more responsive" and "flexible" system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.

[14] Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:

"12 In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on.

Instead, the Applicant for a premises licence or a club premises certificate will be able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives."

[15] Section 1 of the Act provides:

"S1(1) For the purposes of this Act the following are licensable activities -

- (a) the sale by retail of alcohol,
- (b) [clubs]
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment."

[16] To carry on a licensable activity, a premises licence granted under Pt 3 of the Act is generally required, s 2. Application for a premises licence must be made to the relevant licensing authority, s 17(1).

[17] By virtue of s 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the "licensing objectives". These are set out in s 4 as follows:

"S4(2) The licensing objectives are -

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm."

[18] In carrying out its licensing functions, by virtue of s 4(3) the licensing authority must also have regard to its licensing statement published under s 5 and any guidance issued by the Secretary of State under s 182.

[19] Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 ("the Guidance"). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.

[20] The Foreword says that the Guidance:

"is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not mean we are intent on eroding local discretion. On

the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice."

[21] As the Guidance says in para 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

"Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

[22] An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in s 17(4) which are as follows:

- "(a) the relevant licensable activities,

- (b) the times during which it is proposed that the relevant licensable activities are to take place,

- (c) any other times during which it is proposed that the premises are to be open to the public,

- (d) where the Applicant wishes the licence to have effect for a limited period, that period,

- (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the Applicant wishes to have specified in the premises licence as the premises supervisor,

- (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,

- (g) the steps which it is proposed to take to promote the licensing objectives,

- (h) such other matters as may be prescribed."

[23] Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.

[24] Section 18(2) provides that, subject to sub-s (3), the authority must grant the licence in accordance with the application subject only to:

- "(a) such conditions as are consistent with the operating schedule accompanying the application, and

- (b) any conditions which must under section 19, 20 or 21 be included in the licence."

[25] Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim.

[26] Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal "relevant representations" are defined in s 18(6) as follows:

"(6) For the purposes of this section, 'relevant representations' means representations which -

(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,

(b) meet the requirements of sub-section (7),

(c) . . ."

[27] Sub-section (7) provides:

"(7) The requirements of this subsection are -

(a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),

(b) that they have not been withdrawn, and

(c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious."

[28] Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the Applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of s 18(3)(b), the authority must also "(b) having regard to the representations, take such of the steps mentioned in sub-section (4) (if any) as it considers necessary for the promotion of the licensing objectives."

[29] Section 18(4) provides:

"(4) The steps are -

(a) to grant the licence subject to -

(i) the conditions mentioned in sub-section (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application."

[30] Conditions are modified for the purposes of sub-s (4)(a)(i) if any of them is altered or omitted or any new condition is added.

[31] During the currency of a premises licence, by virtue of s 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of s 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.

[32] The Act makes provision in Pt 5 for "permitted temporary activity" which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.

[33] Section 181 provides for appeals to be made against decisions of the licensing authority to a Magistrates' Court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

THE DETAIL OF THE CLAIM

[34] The Claimant submits that in making its decision to allow the appeal in relation to the premises licence, the Magistrates' Court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the Guidance.

[35] There is no doubt that the Guidance is relevant in the magistrates' decision making. As I have set out above, s 4(3) requires the licensing authority to "have regard" to the Guidance. By extension, so must a Magistrates' Court dealing with an appeal from a decision of the licensing authority. The Guidance says:

"10.8 In hearing an appeal against any decision made by a licensing authority, the Magistrates' Court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case."

[36] Mr Pickup submits that although the Guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

[37] Mr Flood for the First Interested Party submits that the Guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in

some respects (as is clear from the wording of the Guidance), the Guidance is a statement of Government belief rather than proved fact. Inviting attention to the judgment of Beatson J in *J D Weatherspoon plc v Guildford Borough Council* [2006] EWHC 815 (Admin), [2007] 1 All ER 400, [2006] LGR 767, he identifies that different policy elements in the Guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the Guidance, they do not need to use it as "a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute".

[38] There is no doubt that regard must be had to the Guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The Guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the Guidance and that in resolving this conflict, a licensing authority or Magistrates' Court may justifiably give less weight to some parts of the Guidance and more to others. As the Guidance itself says, it may also depart from the Guidance if particular features of the individual case require that. What a licensing authority or Magistrates' Court is not entitled to do is simply to *ignore* the Guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a Magistrates' Court is entitled to depart from the Guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As para 2.3 of the Guidance says in relation to the need for licensing authorities to give reasons:

"When [departing from the Guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

This is a theme to which the Guidance returns repeatedly and is a principle which must be applicable to a Magistrates' Court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the First Interested Party that the magistrates did not need to work slavishly through the Guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the Guidance if they considered it proper so to do.

[39] In this case, Mr Pickup submits that proper attention to the Guidance would have helped the magistrates to come to a correct and reasonable decision and that they have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.

[40] The foundation of the Claimant's argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in s 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the Guidance. For example, in the Act, s 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must "take such of the steps mentioned in sub-s (4) (if any) as it considers necessary for the promotion of the licensing objectives" (the steps in sub-s (4) include the grant of the licence subject to conditions). Section 34(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The Guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example para 7.5 and also para 7.17 which includes this passage:

"Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that

purpose."

[41] The Guidance also refers a number of times to the need for regulation to be "proportionate". This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being "necessary", it must in my view be confined to that which is "proportionate" and one can understand why the Guidance spells this out.

[42] Mr Pickup submits, and I accept, that the Act anticipates that a "light touch bureaucracy" (a phrase used in para 5.99 of the Guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the Applicant. Mr Pickup says that such a light touch is made possible, as the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-Social Behaviour Act 2003. The Guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Paragraph 7.18 from the section of the Guidance dealing with attaching conditions to licences is an illustration of this approach:

"7.18 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the Applicant, no additional conditions at all are needed to promote the licensing objectives."

[43] The Guidance includes a section dealing with hours of trading which the Claimant submits further exemplifies the philosophy of the Act. It begins with para 6.1 which reads "This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply."

[44] It continues:

"6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions."

[45] The Claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the Guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing

objectives.

[46] The magistrates' Reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. The magistrates also record in the Reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the Appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the new revised licence. This was in line with the oral evidence of Police Sergeant Yehya (as recorded in the rather truncated notes of the legal advisor):

"1. reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises."

[47] To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The First Interested Party observes that the manager of the premises had given evidence that he intended in the summer to "make hay while the sun shines" and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of "little evidential value" in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the Claimant intended in future to make more use of the extended hours reduced the value of the premises' past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.

[48] It is plain that the magistrates' particular concern was "migration" rather than problems generated by those coming directly to the premises for their evening out. Under the heading "The Four Licensing Objectives", they say that they accept that there have been no formal or recorded complaints against the premises "but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority". Under the heading "Migration/Zoning" they begin:

"The Saughall Hotel due to its location and the fact that a number of license premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel. [sic]"

and end:

"We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and inevitable numbers will increase in the Summer causing nuisance/criminality."

[49] They reiterate their concern under the heading "Nuisance (Existing/Anticipated)" saying that they "feel that public nuisance will be inevitable".

[50] The Claimant complains that the magistrates' treatment of the issue of "migration" was fundamentally flawed on a number of grounds.

[51] Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The Claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms Lesley Spencer who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.

[52] Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Yehya said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said:

"We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00am to 1.00am. 1.00am closing at 2. 280 people leaving premises. Other premises subject to high levels of crime *migration not an issue.*" [my italics]

[53] I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the Claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the Magistrates' Court seems to have surprised the magistrates who said so in their Reasons, commenting "We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms." In so saying, they convey, in my view, not only their surprise about the Police approach but also their disagreement with it.

[54] It was not open to the magistrates, in my view, to elevate what Sergeant Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

[55] It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The Claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The First Interested Party is correct in submitting that the Guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the Guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be

trouble.

[56] The Claimant complains that the magistrates' treatment of the migration issue also flies in the face of the Guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.

[57] Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The Guidance says, at para 6.8:

"The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times."

It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.

[58] I am not convinced that the magistrates' limiting of the Claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.

[59] What has more weight, however, is the Claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The Reasons include a heading "Flexibility" under which the magistrates say simply "We have considered the concept of Flexibility." In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in para 6.6 of the Guidance (see above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

[60] The Claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, "the application for extended hours was to allow *flexibility* to open later on certain occasions". As the First Interested Party would submit, the magistrates may have inferred from Mr Miller's comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the Claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their Reasons as to the frequency on which they considered the Claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their journey would be worthwhile.

[61] The magistrates' comment about the temporary certificate also seems to me to be an example of a

failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.

[62] There is no consideration in the magistrates' decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed) would be sufficient to promote the licensing objectives without reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

MY OVERALL CONCLUSIONS

[63] It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not *articulate* that the curtailment of the hours sought was "necessary" to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be "an inevitable consequence" of leaving the hours as granted by the Local Authority. However, in my view their approach to what was "necessary" was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.

[64] I have said little so far about what appears in the magistrates' response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates' decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the Appellant. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Yehya or explored with him in evidence. Mr Beere says in his statement for example, ". . . there is also the question of Police resources and

their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoylake."

[65] Reference is made in the response documents to the court feeling that the Brewery's proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is "a village pub and not a night spot in the centre of town". For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates' response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.

[66] Mr Beere's statement ends with a reference to the Brewery wanting to make hay while the sun shines, of which he says, "I believe that this statement was indicative of the Brewery's attitude to local residents and to the general management of the premises." Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not seen fit to make reference in their Reasons to any difficulties caused by the Hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.

[67] I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in s 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also "any other times during which it is proposed that the premises are to be open to the public". On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the Applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the Applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

THE COSTS ARGUMENT

[68] In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The Appellants had given an undertaking to the Licensing Authority that they would not seek costs against the Licensing Authority and they sought the entirety of their costs of the appeal from the Claimant. The magistrates granted that order and the Claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the

order for costs was that the appeal had succeeded and the Claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the Claimant if the appeal had been dismissed.

Appeal dismissed.

The Queen on the Application of **Hope, Glory Public House Limited** v City of Westminster Magistrates Court v The Lord Mayor and the Citizens of the City of Westminster



Positive/Neutral Judicial Consideration

Court

Court of Appeal (Civil Division)

Judgment Date

26 January 2011

Case No: C1/2009/1736

Court of Appeal (Civil Division)

[2011] EWCA Civ 31, 2011 WL 197281

Before: The President of the Family Division Lord Justice Laws and Lord Justice Toulson

Date: Wednesday 26th January 2011

On Appeal from the Queen's Bench Division (Administrative Court)

Mr Justice Burton

CO/5324/2009

Hearing date: 9 November 2010

Representation

Mr Ian Glen QC and Mr Gordon Bishop (instructed by Jeffrey Green Russell) for the Claimant/Appellant.
Mr David Matthias QC and Ms Emma Dring (instructed by Westminster City Council) for the Interested Party/Respondents.
The Defendant being neither present nor represented.

Judgment

Lord Justice Toulson delivered the judgment of the Court:

Introduction

1. This appeal raises a question about how a magistrates' court hearing an appeal from a decision of a licensing authority under the [Licensing Act 2003](#) ("the Act") should approach the decision.

Background

2. The appellant owns the Endurance public house in Berwick Street, Soho. The premises are licensed for the sale and supply of alcohol and for the provision of entertainment and late night refreshment. The licence was granted on 12 March 2007 by Westminster City Council ("the council") as the local licensing authority.

3. On 15 April 2008 the council's Environmental Health Consultation Service ("EHCS") applied under s51(1) of the Act for a review of the licence after complaints were made by residents about the level of noise caused by customers taking their drinks out of the pub and congregating on the street during the evenings.

4. The hearing of the review took place before the council's Licensing Sub-Committee on 26 and 27 June 2008. The sub-committee heard submissions and evidence lasting about 5 hours. It decided to attach a number of conditions to the licence, the main condition being that no customer should be permitted to take drink from the premises in an open container after 6 pm. The decision and the sub-committee's reasons were notified to the appellant's solicitors by a letter dated 4 July 2008. The sub-committee stated:

"We have no policy to ban outside drinking, and we have accordingly not approached the case on that basis. We were not referred to the Council's statement of licensing policy by any party. We have had regard, as we must, to the policy,...but we have reached our decision based on the evidence that has been put before us in relation to these premises, and not on any policy ground.

The application was made on the grounds of public nuisance, and we first consider whether it was established that a public nuisance for the purposes of the Act exists. The evidence we heard was that large numbers of customers of the Endurance congregate on a daily basis outside the public house in Kemps Court in the evening, the numbers involved ranging from very few (5–10) to very many (180 or more). Those customers drinking and talking outside the premises make a noise. The noise is amplified by the configuration of buildings in the area. The noise causes public nuisance to surrounding residents, including, in particular residents directly opposite the public house.

The licensee argued that the noise was not so bad as to constitute a nuisance and that the complaints...were exaggerated. He called expert evidence in support of that proposition. We are completely satisfied that the noise is indeed a serious nuisance...

A number of local residents and other customers of the premises gave evidence about the way in which the premises were run, and we accept that the premises are valued by its customers and that a number of people enjoy being able to drink outside. We reject however the argument that a licensee has a fundamental right to, in effect, appropriate a part of the public realm for his own commercial purposes, if the effect of doing so is to cause serious public nuisance to his neighbours. Accordingly, we are persuaded that it is appropriate to take steps to prevent that public nuisance from continuing.

We recognise that steps should only be taken where they are necessary and that it cannot be necessary to take disproportionate steps..."

5. The sub-committee then considered the conditions proposed by EHCS and additional conditions proposed by the police. It concluded that most of the proposed conditions were required.

6. The appellant appealed against the decision to the City of Westminster Magistrates Court under s181 and schedule 5 of the Act.

7. At a preliminary hearing on 7 May 2009 District Judge Snow heard argument about how he should approach the decision of the sub-committee on the hearing of the appeal. He held that he was bound by the decision of the *Court of Appeal in Sagnata Investments Limited v Norwich Corporation [1971] 2 QB 614*, in the light of which he ruled:

“I will therefore

- (1) Note the decision of the licensing sub-committee.
- (2) Not lightly reverse their decision.
- (3) Only reverse the decision if I am satisfied it is wrong.
- (4) I will hear evidence.
- (5) The correct approach is to consider the promotion of the Licensing Objectives. To look at the *Licensing Act 2003*, the Guidance made under *section 182 LA03*, Westminster's Statement of Licensing Policy and any legal authorities.
- (6) I am not concerned with the way in which the Licensing Sub-Committee approached their decision or the process by which it was made. The correct appeal against such issues lies by way of Judicial Review.”

8. The district judge heard the appeal over 5 days between 11 and 25 June 2009, during which he heard 4 days of evidence, considered 1797 pages of statements and exhibits and visited the site. On 30 June 2009 he delivered a 22 page written judgment. His conclusions in summary were:

“I find, on the balance of probabilities, that given the number of Residents, Students and Teachers affected, and given the geographical spread, that the nuisance clearly is a public nuisance.

...

The evidence is clear, that the public nuisance arises between 6 pm and 11 pm. The conditions imposed by the Licensing Sub-Committee are necessary and proportionate to ensure the promotion of the licensing objectives.

...

On 7 May 2009 I set out that I would only interfere with the decision of the sub-committee if I was satisfied that it was wrong. In fact I am satisfied that it was right. This appeal is dismissed.”

9. The appellant applied for judicial review of the district judge's decision on various grounds. The primary argument was that the district judge's ruling about how he should approach the decision of the sub-committee was wrong in law.

10. The appellant's application for permission to apply for judicial review was dismissed by Burton J in a judgment dated 21 July 2009.

11. Permission to appeal was refused by Moses LJ on paper but was granted by Sir Mark Waller after an oral hearing on 19 May 2010. The permission was limited to the single question whether the district judge's self-direction was correct. As to that, Sir Mark Waller observed:

“So far as the direction is concerned, the position may well be covered by the authority *Sagnata Investments Limited v Norwich Corporation* [1971] 2 QB 614, but it seems to me that the question of whether it is an appropriate direction and the question of whether that is the right way in which a magistrate should approach an appeal in which he is hearing all the evidence de novo is a matter of some importance. We can spend a great deal of time arguing about the arguability of the point and it is better to have a decision which clarifies the position, which at present there is not.”

Fresh evidence

12. In addition to the ground on which leave to appeal was granted, Mr Glen QC sought leave on behalf of the appellant to introduce fresh evidence. The purpose of the fresh evidence was to rebut evidence given by a witness, Ms Bailey, at the hearing before the district judge to the effect that noise from the Endurance disturbed lecturers and students at the nearby Westminster Kingsway College. Ms Bailey had provided a witness statement on 15 January 2009, which had been disclosed to the appellant's representatives soon afterwards, i.e. several weeks prior to the hearing before the district judge. The fresh evidence came from others at the college and was obtained in October 2010, i.e. several months after Waller LJ granted limited permission to appeal. We can see no basis on which the late discovery of this evidence could provide a proper ground for judicial review of the district judge's decision and we refuse the application for permission to introduce it.

Licensing Act 2003

13. The short title of the Act is:

“An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes.”

14. The Act brought about major changes to the licensing system in England and Wales. The background, nature and purpose of its provisions are summarised in the Explanatory Notes to the Act.

15. Essentially, the Act integrated alcohol, public entertainment, theatre, cinema, night café and late night refreshment licensing. Previously there was a patchwork system under which liquor licences were granted by licensing magistrates but other licensing functions, such as public entertainment licensing, were the responsibility of local authorities. The Act followed

the publication in April 2000 of a White Paper (Cm 4696) entitled “Time for Reform: Proposals for the Modernisation of Our Licensing Laws”.

16. The Act created a unified system of regulation of the activities of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment, referred to in the Act as the “licensable activities”. The White Paper proposed that the licensing authority under the new scheme should be the local authority; and the Act follows that proposal. The government explained its reasons in the White Paper as follows:

“117. The current responsibility of magistrates for liquor licensing reflects their traditional role in maintaining the peace and the association of alcohol with crime. Entertainment licensing came on the scene at a time when the magistrates' role had moved a long way from law enforcement towards the administration of justice. With an integrated system of licensing it is necessary to decide if the responsibilities should fall to the magistrates or the local authorities or some third body which might involve both.

...

123. There are three compelling reasons in favour of giving the local authority (at district level) the responsibilities we have described in this White Paper. They are:

- **Accountability:** we strongly believe that the licensing authority should be accountable to local residents whose lives are fundamentally affected by the decisions taken
- **Accessibility:** many local residents may be inhibited by court processes, and would be more willing to seek to influence decisions if in the hands of local councillors
- **Crime and disorder:** Local authorities now have a leading statutory role in preventing local crime and disorder, and the link between alcohol and crime persuasively argues for them to have a similar lead on licensing.

124. In reaching our conclusion, we do not in any way seek to devalue the importance of the wider contribution the local licensing justices have made for so many years. While in our proposals they would be relieved of administrative licensing responsibilities, they would retain, in their capacity as magistrates, the responsibility for dealing with people charged with offences under licensing law and for the imposition of sanctions and penalties in respect of personal licence holders.”

17. Magistrates also have an appellate function, which lies at the heart of this appeal.

18. [Section 4](#) sets out general duties of licensing authorities. It identifies “licensing objectives” which licensing authorities are to promote. These include the prevention of public nuisance. [Section 5](#) requires licensing authorities to produce statements

of licensing policy for three year periods. In carrying out its licensing functions, a licensing authority must have regard to its licensing statement and to any guidance issued by the Secretary of State for Culture, Media and Sport under s182 . Before determining its policy for a three year period, a licensing authority must go through a process of public consultation: s5(3) . Section 6 provides for licensing authorities to conduct their licensing functions through licensing committees. Section 9 deals with proceedings before licensing committees and empowers the Secretary of State to make regulations about them.

19. There are various types of “personal licence” and “premises licence” which a licensing authority may grant. The present case concerns a premises licence granted under s18 . It is open to a licensing authority to attach such conditions to a licence under s18 as it considers necessary for the promotion of the licensing objectives identified in s4 .

20. Under s51 an “interested party” or a “responsible authority” may apply to the licensing authority for a review of a premises licence. An interested party includes anyone living or involved in a business in the vicinity: s13(3) . A responsible authority includes the local authority which has statutory responsibilities in relation to the protection of the environment and human health: s13(4)(e) . In the present case the applicant for the review was the council, acting through the EHCS. Section 53 expressly permits a local authority to make an application under s51 for a review of a premises licence in its capacity as a responsible authority and to determine the application in its capacity as the licensing authority.

21. Section 52 provides that a licensing authority which receives an application under s51 may, after holding a hearing to consider it and any relevant representations,

“take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.”

The steps mentioned in subsection (4) include modifying the conditions of the licence.

22. Section 52(10) requires the licensing authority to notify its determination, and its reasons for making it, to the holder of the licence, the applicant, any person who made relevant representations and the local chief officer of police.

23. Section 181 and schedule 5 provide a system for appeals from decisions of a licensing authority to a magistrates' court. Paragraph 8 of schedule 5 deals with appeals against decisions made under s52 . It provides:

“(1) This paragraph applies where an application for review of a premises licence is decided under section 52.

(2) An appeal may be made against that decision by-

(a) the applicant for the review,

(b) the holder of the premises licence or

(c) any other person who made relevant representations in relation to the application.”

24. The powers of a magistrates' court on an appeal from a decision of the licensing authority are to dismiss the appeal, to substitute any other decision which could have been made by the licensing authority, or to remit the case to the licensing authority to dispose of it in accordance with the direction of the court: [s181\(2\)](#) .

25. The [Magistrates' Courts Rules 1981](#) (made under the Magistrates' Court Act) provide that where a statutory appeal lies to a magistrates' court against a decision or order of a local authority or other authority, the appeal shall be by way of complaint for an order ([rule 34](#)). The rules also provide that on the hearing of a complaint, it is for the complainant to go first in calling evidence ([rule 14](#)).

The appellant's submissions

26. Mr Glen submitted that the district judge wrongly placed the burden on the appellant to disprove that the noise caused by customers of the Endurance was such as to amount to a public nuisance and that the conditions imposed by the licensing authority were necessary and proportionate. He submitted that it was for the EHCS to prove its allegation of public nuisance and to establish that the modifications to the licence were necessary and proportionate. The hearing before the district judge was a hearing de novo, at which evidence was given and tested by cross-examination. Mr Glen pointed out that the licensing sub-committee itself stated that its decision was not based on any policy ground. Rather, it turned on the sub-committee's assessment of the facts. On factual issues of that kind, it undermined the nature of an appeal process by way of rehearing if the court started with a presumption in favour of the licensing authority. Moreover, such an approach did not comply with the requirement of article 6 of the European Convention that in the determination of his civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. In support of this submission he relied on the following passage from Paterson's Licensing Acts, 2009, para 5.4 :

“Assuming we are correct in saying that the hearing in the magistrates' court needs to be article 6 compliant, then the magistrates would not be an “independent and impartial” tribunal if the court starts off from a position favouring the decision of the licensing authority. The licensing authority will be a party to any appeal and the success or failure of the appeal should depend on the evidence which is given and the arguments which are put forward.”

27. Mr Glen also cited the decision of the Divisional Court in *R(Chief Constable of Lancashire) v Preston Crown Court [2001] EWHC Admin 928* . That case concerned an appeal from licensing justices to the crown court under the [Licensing Act 1964](#) . It was argued that there was a breach of article 6 because the composition of the court included two members who belonged to the same licensing committee as the magistrates whose decision was under appeal. The argument was rejected, but Mr Glen relied on a passage (at para 18) where Laws LJ, who delivered the main judgment, referred to the crown court conducting “a rehearing in the full and proper sense”. If it was to be a rehearing in that sense, Mr Glen submitted that it must follow that the burden of proof on the appeal was the same as on the original hearing.

28. Mr Glen cited a number of other authorities for the proposition that an appeal against a licensing decision has long been recognised to be a rehearing. It is not necessary to refer to them, because it is not in dispute that the appeal is a rehearing at which the affected parties are all entitled to call evidence, and that the court must make its decision on the full material before

it. The issue is what is the proper approach to the original decision and, in particular, the reasons given for it. Mr Glen did not submit that they should be disregarded. He accepted that the court hearing the appeal could properly take into consideration the reasons given by the licensing authority, but not to the point of placing a legal burden on the appellant.

29. Mr Glen submitted that the district judge went wrong in attaching too much significance to a sentence from a judgment of Lord Goddard CJ in *Stepney Borough Council v Joffe (1949) 1 KB 599* cited by Edmund Davies LJ in *Sagnata Investments Limited v Norwich Corporation*. In *Sagnata Investments Limited v Norwich Corporation* an application was made under the Betting Gaming and Lotteries Act 1967 for a permit to open an amusement arcade in Norwich. The application was refused by the local authority and the applicant appealed to quarter sessions. The recorder who heard the appeal had written reasons for the refusal furnished by the town clerk and evidence of witnesses on both sides as to the merits of the application. He did not have any information about what had happened before the licensing committee. He allowed the appeal. The local authority appealed to the Divisional Court (whose judgment is not reported) and then to the Court of Appeal (Lord Denning MR, Edmund Davies and Phillimore LJJ). Its appeal was dismissed by the majority, Lord Denning dissenting. Lord Denning considered that the local authority was entitled to its opinion that it was socially undesirable to have such arcades in Norwich and that the recorder was wrong to substitute his view for those of the elected body responsible for making such decisions.

30. The majority considered that the recorder had been entitled to conclude that the local authority had effectively decided that it would not grant any permit under the Act for an amusement place in Norwich and that there was no error of law in his decision to allow the appeal. Edmund Davies LJ, at page 633, quoted Lord Denning in the course of argument as summarising the issue in this way:

“Is the hearing to be treated as a new trial to be determined on evidence de novo, without being influenced by what the local authority has done; or is the hearing to be treated as an appeal proper, in which the local authority's decision is to be regarded as of considerable weight, and is not to be reversed unless their decision is shown to be wrong?”

31. Edmund Davies LJ considered that this was a false antithesis. From the reasons which he gave for preferring an intermediate position, he must have understood the second of Lord Denning's alternatives (“an appeal proper”) as confined to deciding whether the local authority's decision was wrong in law on the material before it. He went on to say, at page 636:

“The provision for an appeal to quarter sessions seems to me largely, if not entirely, “illusory” if the contention of the appellant council is right. If it is, I am at a loss to follow how the recorder set about discharging his appellate functions. Lacking all information as to what had happened before the local authority, save the bare knowledge that they had refused the application and their written grounds for refusal, he would be powerless, as I think, to make any effective examination of the validity of those reasons.”

32. Edmund Davies LJ expressed his conclusion as follows:

“...I hold that the proceedings before this recorder were by way of a complete rehearing.

But, contrary to what has been contended, this conclusion does *not* involve that the views earlier formed by the local authority have to be entirely disregarded by quarter sessions. It is true that in *Godfrey v Bournemouth Corporation* [1969] 1 WLR 47, after observing that an appeal to quarter sessions under [schedule 6](#) to this same Act was by way of a complete rehearing, Lord Parker CJ said, at p 52, “the discretion is a discretion which the recorder in the present case had to arrive at himself uninfluenced by what the local authority had done”. But with respect, I do not accept this. It went much too far, it was in direct conflict with the view which Lord Parker had earlier expressed in *R v Essex Quarter Sessions, ex parte Thomas* [1966] 1 WLR 359 -363, it was contrary to the approach adopted both by the recorder and by Lord Parker CJ himself in the instant case, and it was, with deference, an uncalled-for observation. Here again, *Stepney Borough Council v Joffe* [1949] 1 KB 599 establishes what I regard as the proper approach, for, having made the point that there was in that case an unrestricted appeal, Lord Goddard CJ continued at pp 602, 603:

“That does not mean to say that the court of appeal, in this case the metropolitan magistrate, ought not to pay great attention to the fact that the duly constituted and elected local authority have come to an opinion on the matter, and ought not lightly, of course, to reverse their opinion. It is constantly said (although I am not sure that it always sufficiently remembered) that the function of a court of appeal is to exercise its powers when it is satisfied that the judgment below is wrong, not merely because it is not satisfied that the judgment was right.”

Phillimore LJ's judgment was to similar effect.

33. Mr Glen observed that that case was one in which the local authority's decision had been based on a general policy, and that it was therefore right for the recorder to attach weight to the local authority's policy, although he still had to form his own judgment on the evidence whether a permit should be granted. The decision, he submitted, provided no support for taking a similar approach where (as the licensing sub-committee recognised in the present case) no question of licensing policy was involved. The core question in this case was whether the noise caused by the customers of the Endurance amounted to a public nuisance, and this was a matter for the EHCS to establish on the evidence called before the district judge.

The council's submissions

34. Mr Matthias QC submitted that Burton J was right in his approach to *Stepney Borough Council v Joffe* and *Sagnata Investments Limited v Norwich Corporation* and his dismissal of the appellant's claim. Burton J said in his judgment:

“43. I conclude that the words of Lord Goddard approved by Edmund Davies LJ are very carefully chosen. What the appellate court will have to do is to be satisfied that the judgment below “is wrong”, that is to reach its conclusion on the basis of the evidence put before it and then to conclude that the judgment below is wrong, even if it was not wrong at the time. That is what this district judge was prepared to do by allowing fresh evidence in, on both sides.

44. The onus still remains on the claimant, hence the correct decision that the claimant should start, one that cannot be challenged as I have indicated.

45. At the end of the day, the decision before the district judge is whether the decision of the licensing committee is wrong. Mr Glen has submitted that the word “wrong” is difficult to understand, or, at any rate, insufficiently clarified. What does it mean? It is plainly not “*Wednesbury* unreasonable” because this is not a question of judicial review. It means that the task of the district judge – having heard the evidence which is now before him, and specifically addressing the decision of the court below – is to give a decision whether, because he disagrees with the decision below in the light of the evidence before him, it is therefore wrong.”

35. Mr Matthias submitted that as a matter of principle, as well as precedent, there are good reasons why the magistrates' court should pay great attention to the decision of the licensing authority and should only allow an appeal if satisfied, on the evidence before it, that the decision was wrong. He pointed out that Parliament had chosen to make the local authority central to the promotion in its area of the licensing objectives set out in the Act, because local councillors are accountable to the local electorate and are expected to be sensitive to the needs and concerns of the local populace. In licensing matters there is often no single “right answer”. Mr Matthias pointed to the conditions which the licensing authority attached to the licence on the review in the present case as an example. The ban imposed on customers taking drink from the premises in an open container after 6pm might equally have been imposed somewhat earlier or somewhat later. It is normal for an appellant to have to show that the order challenged was wrong. The only unusual feature about this type of appeal is that all parties have *carte blanche* to call evidence. It does not, however, follow that the respondent to the appeal should bear the responsibility of showing that the order should be upheld and so should be required to present its case first.

36. On the article 6 issue, Mr Matthias's propositions may be paraphrased as follows:

1. The decision of the licensing authority was an administrative decision, which admittedly involved a determination of the appellant's “civil rights” within the meaning of article 6, as it has been interpreted in the European case law.
2. The extent to which article 6 requires such a decision to be subject to review by an independent and impartial tribunal depends greatly on the nature of the decision. Article 6 is an important expression of the rule of law, but the rule of law itself allows proper scope for democratic process in administrative decision making.
3. Administrative decisions often involve making judgments and assessing priorities on matters of social and economic policy. It accords with democratic principles for such decisions to be taken primarily by democratically accountable bodies. The power of the High Court in judicial review proceedings to review the legality of such decisions and the procedures followed is sufficient to ensure compatibility with article 6.
4. Some administrative decisions, although not necessarily involving wide issues of policy, call for particular knowledge or experience on the part of the decision maker. Often such decisions will involve an evaluative judgment and the exercise of discretion. In such cases, too, the availability of judicial review in the High Court is sufficient to meet the requirements of article 6. It would be perverse if article 6 were to require a full fact-finding appeal to a tribunal which lacked the degree of knowledge and expertise of the original decision maker.
5. There may be cases where an administrative decision does not depend on what may be described as democratic questions (questions of local or national policy, such as belong to the political forum), but which depends essentially on a question of fact requiring no special knowledge or experience on the part of the decision maker. In such a case article 6 may require that an aggrieved person whose civil rights are determined by the decision should be entitled to have it reviewed by a tribunal whose power includes whatever factual review is necessary for justice to be done.
6. There is nothing in domestic or Strasbourg case law to suggest that there is a general principle that it is incompatible with article 6 for a person aggrieved by an administrative decision to bear the responsibility of establishing his complaint.

37. Mr Matthias's concession that article 6 is engaged in the present case followed from the decision in *Kingsley v The United Kingdom* (2002) 35 EHRR 10, paragraph 34, where it was held that article 6 is engaged in proceedings which determine

whether or not an individual is entitled to undertake licensable activities. For his other submissions he cited a number of authorities including particularly *R (Alconbury Developments Limited) v Secretary of State for the Environment, Trade and the Regions* [2001] UKHL 23, [2003] 2 AC 295, *Runa Begum v Tower Hamlets London Borough Council* [2003] UKHL 5, [2003] 2 AC 430, *Tsfayo v United Kingdom* 48 EHRR 47, [2007] LGRI, and *Ali v Birmingham City Council* [2010] UKSC 8, [2010] 2 AC 39.

38. Mr Matthias submitted that in this case the appellant's right of appeal to the district judge amply satisfied the requirements of article 6.

Conclusion

39. Since Mr Glen accepted (in our view rightly) that the decision of the licensing authority was a relevant matter for the district judge to take into consideration, whether or not the decision is classified as “policy based”, the issues are quite narrow. They are:

1. How much weight was the district judge entitled to give to the decision of the licensing authority?
2. More particularly, was he right to hold that he should only allow the appeal if satisfied that the decision of the licensing authority was wrong?
3. Was the district judge's ruling compliant with article 6?

40. We do not consider that it is possible to give a formulaic answer to the first question because it may depend on a variety of factors — the nature of the issue, the nature and quality of the reasons given by the licensing authority and the nature and quality of the evidence on the appeal.

41. As Mr Matthias rightly submitted, the licensing function of a licensing authority is an administrative function. By contrast, the function of the district judge is a judicial function. The licensing authority has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of a power delegated by the people as a whole to decide what the public interest requires. (See the judgment of Lord Hoffmann in *Alconbury* at para 74.)

42. Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the “heads or tails” variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.

43. The statutory duty of the licensing authority to give reasons for its decision serves a number of purposes. It informs the public, who can make their views known to their elected representatives if they do not like the licensing sub-committee's approach. It enables a party aggrieved by the decision to know why it has lost and to consider the prospects of a successful appeal. If an appeal is brought, it enables the magistrates' court to know the reasons which led to the decision. The fuller and clearer the reasons, the more force they are likely to carry.

44. The evidence called on the appeal may, or may not, throw a very different light on matters. Someone whose representations were accepted by the licensing authority may be totally discredited as a result of cross-examination. By contrast, in the present case the district judge heard a mass of evidence over four days, as a result of which he reached essentially the same factual conclusions as the licensing authority had reached after five hours.

45. Given all the variables, the proper conclusion to the first question can only be stated in very general terms. It is right in all cases that the magistrates' court should pay careful attention to the reasons given by the licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which the magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on the appeal.

46. As to the second question, we agree with the way in which Burton J dealt with the matter in paragraphs 43-45 of his judgment.

47. We do not accept Mr Glen's submission that the statement of Lord Goddard in *Stepney Borough Council v Joffe*, applied by Edmund Davies LJ in *Sagnata Investments Limited v Norwich Corporation* is applicable only in a case where the original decision was based on "policy considerations". We doubt whether such a distinction would be practicable, because it involves the unreal assumption that all decisions can be put in one of two boxes, one marked policy and the other not. Furthermore, *Stepney Borough Council v Joffe* was not itself a case where the original decision was based on "policy considerations". In that case three street traders had their licences revoked by the London County Council after they were convicted of selling goods at prices exceeding the maximum fixed by statutory regulations. On appeal the magistrate decided that they were still fit to hold the licences. The county council unsuccessfully argued before the Divisional Court that the magistrate's jurisdiction was limited to considering whether or not there was any material on which the council could reasonably have arrived at its decisions to revoke the licences. The court held that the magistrate's power was not limited to reviewing the decision on the ground of an error of law, but that he was entitled to review also the merits. It was in that context that Lord Goddard went on to say that the magistrate should, however, pay great attention to the decision of the elected local authority and should only reverse it if he was satisfied that it was wrong.

48. It is normal for an appellant to have the responsibility of persuading the court that it should reverse the order under appeal, and the Magistrates Courts Rules envisage that this is so in the case of statutory appeals to magistrates' courts from decisions of local authorities. We see no indication that Parliament intended to create an exception in the case of appeals under the [Licensing Act](#).

49. We are also impressed by Mr Matthias's point that in a case such as this, where the licensing sub-committee has exercised what amounts to a statutory discretion to attach conditions to the licence, it makes good sense that the licensee should have to persuade the magistrates' court that the sub-committee should not have exercised its discretion in the way that it did rather than that the magistrates' court should be required to exercise the discretion afresh on the hearing of the appeal.

50. As to article 6, we accept the propositions advanced by Mr Matthias and we agree that the form of appeal provided by [s182](#) and [schedule 5](#) of the Act amply satisfies the requirements of article 6.

51. Although the point is academic in the present case, we doubt the correctness of part of the district judge's ruling where he said:

“I am not concerned with the way in which the licensing sub-committee approached their decision or the process by which it was made. The correct appeal against such issues lies by way of judicial review.”

52. Judicial review may be a proper way of mounting a challenge to a decision of the licensing authority on a point of law, but it does not follow that it is the only way. There is no such express limitation in the Act, and the power given to the magistrates' court under s181(2) to “remit the case to the licensing authority to dispose of it in accordance with the direction of the court” is a natural remedy in the case of an error of law by the authority. We note also that the guidance issued by the government under s182 and laid before Parliament on 28 June 2007 states in para 12.6:

“The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.”

However, this point was not the subject of any argument before us.

53. For the reasons which we have given, the appeal is dismissed.

Crown copyright

Judgments

QBD, ADMINISTRATIVE COURT

Neutral Citation Number: [2016] EWHC 1265 (Admin)

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

B e f o r e:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Respondent

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

Tel No: 020 7404 1400 Fax No: 020 7404 1424

(Official Shorthand Writers to the Court)

Mr P Kolvin QC & Mr D Dadds (instructed by David Dadds LLP) appeared on behalf of the **Appellant**

The **Respondent** did not appear and was not represented

J U D G M E N T

(Approved)

Crown copyright©

1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.
2. The appellant, the East Lindsey District Council, is the licensing authority. The Magistrates' Court in the usual way is not a party to these proceedings. The respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.
3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.
4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:
5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.
6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.

7. The subcommittee considered the evidence by Mr Kheng on behalf of Mr Hanif and the Home Office section 182 Guidance to Licensing Authorities. The subcommittee were of the view that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective."
8. The respondent then appealed to the Magistrates' Court. There was a hearing on 27 March 2015, and on 23 June the district judge decided to allow the respondent's appeal. On 1 September 2015, the district judge determined the issue of costs and on 7 January 2016 he stated the case. The appeal to the district judge was de novo, but he accepted that he could only allow the appeal if the subcommittee's decision was "wrong", the burden being on the appellant before him to establish that.
9. Looking now at the stated case, the district judge noted that the respondent had received a civil penalty for employing an illegal worker under section 15 of the Immigration, Asylum and Nationality Act 2006. An immigration officer gave evidence to the effect that although by virtue of section 21 a criminal offence was committed, such proceedings were rarely brought. The district judge also noted that the police and the Council's licensing officer were no longer saying that the respondent was a serial offender, but a redacted report which was placed before the subcommittee still gave the impression that he "was in a much worse position than he actually was". As for the failure to pay the minimum wage, the district judge said this:
 - A. "In his evidence before me Mr Hanif accepted that he had not paid the minimum wage and this in itself can be a criminal offence. I found that this was not the main basis of the subcommittee's decision however and again there was no evidence that he had been reported for that alleged offence. It would appear from their reasons that the subcommittee used the evidence of paying cash in hand as justification for the finding that he knowingly employed Mr Miah. The prosecuting authority however appear to have taken a different view in offering the civil penalty."
10. The district judge's core reasoning was that no crime had been committed. As he put it:
 - A. "It appeared to me that no crime had been committed as a result of the visit to the premises in April of last year. A civil penalty had been imposed rather than prosecution for the section 21 offence and no other crime had been reported in relation to not paying the minimum wage."
11. In the district judge's view, the crime prevention objective was not engaged.
12. The district judge also criticised the subcommittee for adopting an inconsistent approach because in other similar cases only warnings were issued. Finally, he considered that the subcommittee may have been influenced by comments in the police report, leading them to believe that they were dealing with a serial offender.

13. At the conclusion of the stated case, the district judge posed two questions for my determination. I will address these at the end of my judgment.
14. I was taken by Mr Philip Kolvin QC to various provisions of the Licensing Act 2003 as amended. Under section 4(1)and(2) a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives, which include "the prevention of crime and disorder". The provisions dealing with the review application brought by the police are contained in sections 51 and 52. Under section 52(3), the licensing authority (and on appeal the Magistrates' Court):
 - A. "... must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives."
15. The epithet "appropriate" was introduced by amendment in 2011. Previously the test had been stricter. In my judgment, it imports by necessary implication the concepts of proportionality and relevance.
16. Mr Kolvin submitted that the district judge erred in a number of respects. First, he wrongly held that, given that criminal proceedings were never brought, the crime prevention objective (see section 4(2)) was not engaged. The statute is concerned with the prevention rather than the fact of crime. Secondly, and in any event, the interested party had committed criminal offences in relation to tax evasion, the employment of an illegal worker, and employing an individual at remuneration below the minimum wage. As for the employment of an illegal worker, Mr Kolvin accepted that this requires knowledge on the part of the employer, and he also accepted that it is not altogether clear whether the district judge found as a fact that the respondent possessed the requisite knowledge. However, the core question is the promotion of the licensing objectives, not the fact of anterior criminal activity, and in this regard a deterrence approach is appropriate.
17. Thirdly, Mr Kolvin submitted that there was no evidence of an inconsistent approach by the subcommittee in giving warnings in some cases because all cases turn on their own facts. Finally, Mr Kolvin submitted that there was no basis for the district judge's conclusion that the subcommittee may have been influenced by a suggestion that the respondent was a serial offender.
18. I accept Mr Kolvin's submissions. In my view the district judge clearly erred. The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder.

This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on

the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. The district judge's erroneous analysis of the law precluded any proper consideration of that issue. In any event, I agree with Mr Kolvin that criminal convictions are not required.

19. To the extent that the analysis must be retrospective, the issue is whether, in the opinion of the relevant court seized of the appeal, criminal offences have been committed. In the instant case they clearly had been: in relation to tax evasion (see the common law offence of cheating the Revenue and the offence of fraudulent evasion of tax contrary to section 106A of the Taxes and Management Act 1970); and the employment of Mr Miah at remuneration below the minimum wage (see section 31 of the National Minimum Wage Act 1998). Moreover, given the evidence that Mr Miah never provided the relevant paperwork, notwithstanding apparent requests, the obvious inference to be drawn is that the respondent well knew that he could not, and that no tax code and National Insurance number had been issued. The corollary inference in my judgment is that the respondent well knew that Mr Miah could not provide the relevant paperwork because he was here illegally.
20. I also accept Mr Kolvin's submission that each case must turn on its own facts. As a matter of law, unless it could be said that some sort of estoppel or related abuse of process arose in the light of warnings given in other cases, the alleged inconsistent approach led nowhere. In my judgment, it could not be so said.
21. Finally, I agree with Mr Kolvin that there is nothing in the point that the subcommittee could have been misled about the interested party being a serial offender. The point that the subcommittee was making was the fact that the respondent had worked at premises where illegal workers were also employed meant that he should have been vigilant to the issue.
22. Thus the answer to the district judge's two questions are as follows:
 - A. Q. "Was I correct to conclude that the crime prevention objective was not engaged as no crimes had been proceeded with, the appellant only receiving a civil penalty?"
 - B. No.
 - C. Q. "Was I correct in concluding that the respondent had been inconsistent in similar decisions in not revoking the licence [sic]?"
 - D. No.

23. Having identified errors of law in the district judge's decision, the next issue which arises is whether I should remit this case for determination in the light of my ruling or whether I have sufficient material to decide the issue for myself. I should only adopt the latter course if satisfied that the issue is so obvious that no useful purpose would be served by remission. I am so satisfied. Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked. Another way of putting the matter is that the district judge had no proper basis for overturning the subcommittee's assessment of the merits.
24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence. This appeal must be allowed and the respondent's licence must be revoked.
25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.
26. MR JUSTICE JAY: Yes.
27. MR KOLVIN: Should I start with here.
28. MR JUSTICE JAY: Yes.
29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.
30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.
31. MR JUSTICE JAY: It has.
32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application is for £16,185. I know there's not a lot of explanation around my fee, but it was

taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single - -

33. MR JUSTICE JAY: What about your junior's fees?
34. MR KOLVIN: My learned junior is also my instructing solicitor, he wears two hats.
35. MR JUSTICE JAY: I see.
36. MR KOLVIN: He has his own firm which is Dadds LLP, and he is also a member of the bar, so although he has appeared as my junior, his fee is wrapped up in the solicitors' fees set out in the schedule.
37. MR JUSTICE JAY: Okay. What about the costs below?
38. MR KOLVIN: My Lord, I'm just trying to ascertain what the position is.
39. MR JUSTICE JAY: I thought there was no order for costs below.
40. MR KOLVIN: There was no order for costs below, that was on the basis that the appeal had been allowed. The situation in relation to costs of licensing appeals are set out in section 181 of the Act, which enables the court to make such order as it thinks fit. Normally when appeals are dismissed there is no real question about it, costs follow the event. When appeals are allowed, some further considerations come into play, which are expressed by the Master of the Rolls in a case which you may have come across called City of Bradford v Booth, which is the case where the Master of the Rolls said that local authorities shouldn't be put off from trying to make honest and reasonable decisions in the public interest. And so one has to take account additionally of the means of the parties and their conduct in relation to the dispute, but in this case of course the appeal has now been dismissed, and so we would say that the ordinary rule is that the costs should follow the event, the appeal having failed. I'm just trying to ascertain whether schedules were ever served below, in the light of the way the case came out. **(Pause)**
41. My Lord, I'm really sorry that we don't actually have the schedule here, apparently it was £15,000. If you were minded to order costs below the options are either I suppose to wait and we will have the thing emailed up, or to say, "Look, it was below, it's a little bit more complex, they should be assessed if not agreed."
42. MR JUSTICE JAY: This is going to wipe him out, isn't it?
43. MR KOLVIN: Well he has already said, I have to say, I'm just telling you frankly what I've been told this morning, that when the bundles and the schedules were

served on him, he had clearly read them, but he said, "If you win in the High Court and get costs against me, then I'm just going to declare myself bankrupt." So there may well be a bit of football(?) about this, but nonetheless it was his appeal, his team raised a point which in retrospect was very surprising, and caused an awful lot of costs to be incurred.

44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.

45. MR KOLVIN: Thank you.

46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.

47. MR KOLVIN: Thank you, my Lord.

48. MR JUSTICE JAY: On the basis of that schedule.

49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can - -

50. MR JUSTICE JAY: I'll take a broad brush approach to that.

51. MR KOLVIN: Thank you.

52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So with the practice direction in mind, would my Lord be minded to - -

53. MR JUSTICE JAY: Just remind me of the practice direction.

54. MR KOLVIN: Yes, can I hand it up?

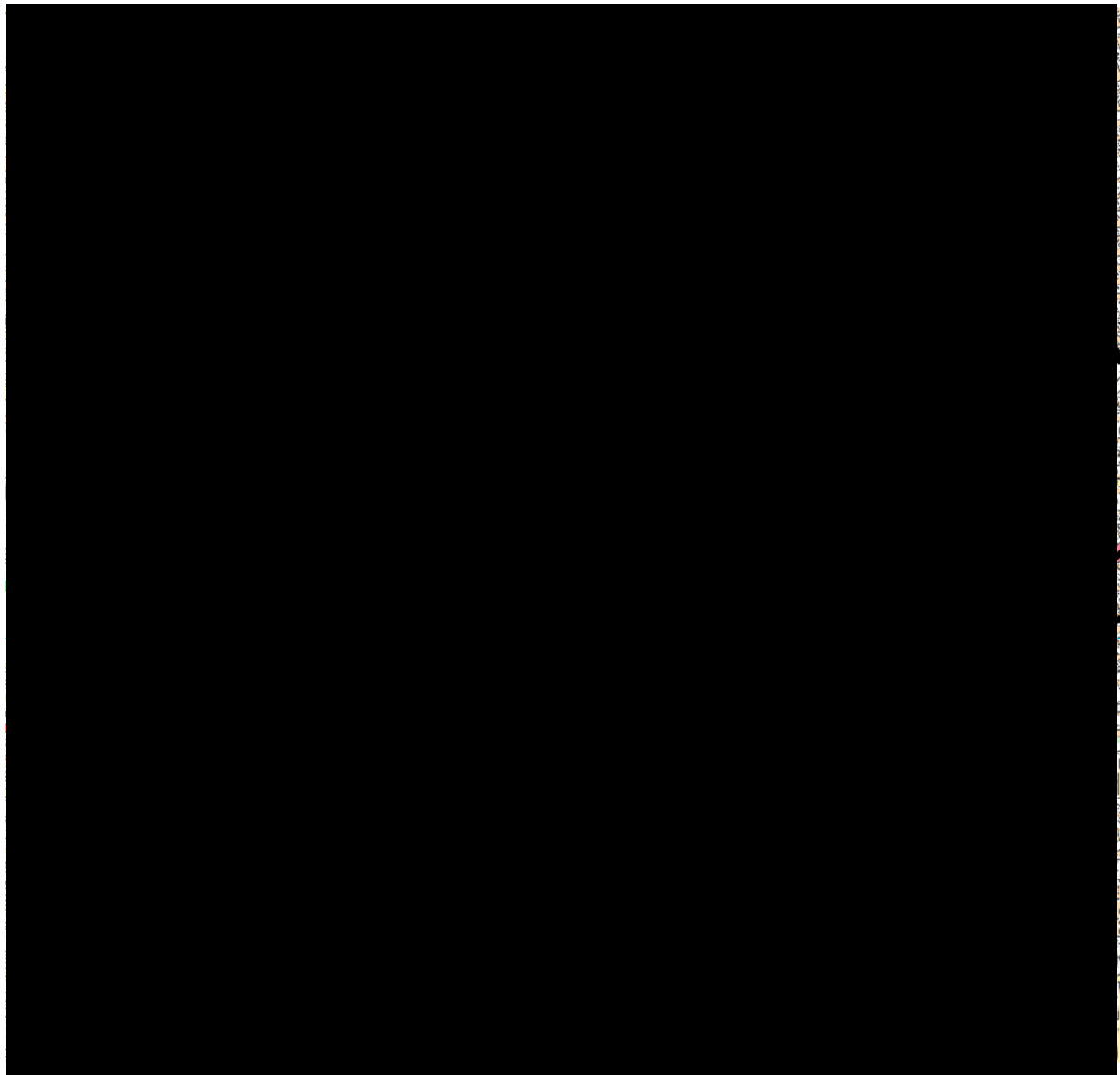
55. MR JUSTICE JAY: Yes. **(Handed)**

56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.
57. So that's the situation we're in. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".
58. MR JUSTICE JAY: But where's the new principle I've established?
59. MR KOLVIN: My Lord, what you have said clearly, which hasn't been said before, by dint of the fact that not many licensing cases reach the lofty heights of this building, is that there does not need to have been a prosecution in order for the crime to have - -
60. MR JUSTICE JAY: Oh, I see. Well that's so obvious it almost goes without saying, that's why it hasn't been said before.
61. MR KOLVIN: My Lord, it was obvious to everyone except the district judge, the appellant and other licensees in the east of England.
62. MR JUSTICE JAY: Okay.
63. In terms of the logistics, if you want a copy of the judgment, don't you have to pay for it?
64. MR KOLVIN: We may have to, and we would be obviously very pleased to do so.
65. MR JUSTICE JAY: Because I'm not sure that all judgments are, in the Administrative Court, they're not all transcribed and published.
66. MR KOLVIN: That is correct, and I have no doubt that my client would be - this isn't a matter about the costs of the judgment.
67. MR JUSTICE JAY: No, fortunately it doesn't cost that much. But I will give the certification. I have never been asked to do so before, I must confess.
68. MR KOLVIN: Yes.

69. MR JUSTICE JAY: Because these cases are referred to almost willy nilly, if they're available on Lawtel or wherever.
70. MR KOLVIN: Yes, they are.
71. MR JUSTICE JAY: Then they're just provided.
72. MR KOLVIN: They get into the textbooks and they - -
73. MR JUSTICE JAY: No- one objects.
74. MR KOLVIN: Yes. It has happened once before, in relation to the meaning of the Court of Appeal judgment in Hope and Glory, and Lindblom J, as he then was, was asked repeatedly would he certify in relation to the meaning of Hope and Glory, which is an important test, and he was pretty engaged in the practice direction. But since then that judgment, there's always an argument in court about whether it can be cited or not. The difference between licensing and some other fields of law is that very few cases reach here, so when they do, the judgments of High Court judges are gold dust.
75. MR JUSTICE JAY: Yes, well I'm happy to make the certification.
76. MR KOLVIN: Thank you very much indeed.
77. MR JUSTICE JAY: We wouldn't want this point to be taken again successfully.
78. MR KOLVIN: No.
79. MR JUSTICE JAY: Now as a matter of courtesy, is the judgment, once available, sent to the district judge, or is it something that I should do informally?
80. MR KOLVIN: I don't know, my Lord, what the normal practice is. I don't think that I have previously been on a legal team which has sent judgments, but we're very happy to undertake to do so.
81. MR JUSTICE JAY: Yes, I think if you're going to get a copy, obviously you're going to send it to the respondent - -
82. MR KOLVIN: Indeed.

83. MR JUSTICE JAY: - - so he can ingest it. I think you should send it to the district judge, just saying that the judge directed that out of courtesy he should see it.
84. MR KOLVIN: We're very happy to do that. Thank you very much indeed.
85. MR JUSTICE JAY: Thank you very much.

Noise complaints received by LOOH



Year	Within 1000m radius of 210 Wilmslow Road	Outside radius	Total
2020	305	232	537
2021	296	224	520
2022	240	167	407
Total	841	623	1464

Year	Fallowfield	Old Moat	Withington	Total
2020	109	110	229	448
2021	81	129	224	434
2022	76	87	175	338
Total	266	326	628	1220