

# Licensing Act Policy 2015 - 2019

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## Introduction to Oldham

### See it differently

Oldham covers some 55 miles<sup>2</sup> and is situated to the North East of Manchester, in a pivotal position between the cities of Manchester and Leeds.

Although Oldham is named after its largest town (Oldham), the borough includes the townships of Chadderton, Failsworth, and Royton, the village of Lees, and the parishes of Shaw and Crompton, and Saddleworth; making Oldham a mixture of high-density urban areas, suburbs, semi-rural, and rural locations, with a quarter of the borough lying within the Peak District National Park.

Whilst the Town Centre is seen as the heart of Oldham; offering exceptional retail and commercial opportunities, there are a wide range of retail facilities available to residents and visitors within Shaw Town Centre, Royton Town Centre and the Saddleworth Villages. Oldham also offers a wide range of sports and leisure facilities, including leisure centres, art centres, theatres and museums.

Oldham's population is diverse, young, growing and benefits from excellent education and skills development opportunities at the University Campus Oldham, The Oldham College, Oldham Sixth Form College and the Regional Science Centre amongst others.

Oldham is undergoing significant change, with the heart of this change being the Council's vision to be a co-operative borough – one where the council works alongside partners, businesses and residents to transform Oldham in to a place that offers all the amenities local residents need and want, a place where businesses can thrive and offers attractions and events that draw visitors into the borough.

With the arrival of the Metrolink, accessibility to the borough, in particular the Town Centre, has been radically improved, making Oldham a key destination for visitors to the region.

Oldham has also seen, and continues to see, significant financial investment, including:-

- £430 million in housing;
- £137 million in education;
- £80 million in healthcare facilities;
- Oldham College's campus transformation programme,
- New Headquarters for First Choice Homes;
- Oldham Council's - £100 million capital programme.

In addition key, investment projects, many of which are supported by the Council's £100 million investment, will in a relatively short time scale, come to fruition, including the following proposals:

- Old Town Hall – Creation of a multiplex cinema and family restaurant complex within the listed Old Town Hall
- Hotel Future – 140 bed luxury hotel, conference centre, and national hospitality training centre
- New Coliseum and Heritage Centre – Development of a new theatre and heritage centre in Oldham town centre
- Public Realm – Improvements to key routes in Oldham town centre, key gateway features and building lighting
- Eastern Gateway – A master plan to support mixed development in Oldham Town Centre's eastern gateway
- New Leisure Centres – Two new leisure centres in Oldham and Royton, helping to deliver Oldham's Olympic legacy
- Alexandra Retail Park – A £1.7million retail park redevelopment, anchored by a 40,000 sqft Matalan store.
- Bloom Street – A retail-led joint venture next to Oldham College and the new Oldham Leisure Centre
- Meridian Centre – Joint venture redevelopment of an edge of centre, Grade II listed office/ industrial complex
- Foxdenton – Development of a 110 acre premium business park and high quality homes, close to the M60 and M62
- Hollinwood Junction – 16+ acres of retail and business opportunities, across three sites, just off the M60
- Royton Town Centre – £22.5 million town centre redevelopment, including 50,000 sqft food store
- Residential Developments – Clearance and disposal of former secondary school sites to deliver high quality homes
- Lancaster Club – Residential-led mixed use scheme with 144 homes, soccer centre and roadside commercial units
- New Saddleworth School – Development of a replacement building for the Saddleworth secondary school
- Playing Fields investment – Improvement of playing fields at three key sites across the borough

Oldham is a place of ambition. A place that celebrates and builds on its heritage, a desirable place, attracting people to visit, shop, work and live, with thriving high streets in all our districts – ones which strike the right balance between existing major chains and independent retailers – offering a fantastic mix of events, leisure and cultural facilities.

# 1. Background

- 1.1 Premises and events licensed under the Licensing Act 2003 provide an invaluable contribution towards Oldham's economy, and the Council recognises that a diverse licensed leisure and entertainment industry has a major role to play in helping the Council achieve its ambitions.
- 1.2 Businesses licensed by the Authority provide social and community spaces, facilities for residents and corporate groups and are a vital support infrastructure for related sectors such as retail and tourism.
- 1.3 As well as promoting a family led leisure and entertainment culture, the Council is keen to encourage a diverse range of premises catering for a wide range of age groups and uses. However the Authority also recognises the problems that can be caused if licensed activities are not properly managed or well run.
- 1.4 As such, this Licensing Policy Statement sets out the manner in which Oldham Council (the 'Licensing Authority') will consider applications for licences as required by the Licensing Act 2003 ('The Act'); and sets out what the Authority expects of operators and how they can promote a wider cultural benefit to the residents of, and visitors to, Oldham.
- 1.5 This policy takes into account guidelines issued by the Secretary of State for the Home Office under section 182 of the Licensing Act 2003.
- 1.6 The policy supports Oldham Council's corporate objectives :-
  - a productive place to invest where business and enterprise thrive;
  - confident communities where everyone does their bit;
  - a co-operative council creating responsive and high quality services;

- 1.7 This policy came into effect on 6<sup>th</sup> January 2015 and will remain in force for a period of five years. It can be reviewed both during that period and at the end of the period, with any changes being subject to statutory consultation.
- 1.8 The interpretation of words and phrases in this Policy has the same meaning as those in the Act or in Guidance issued under section 182 of the Act.
- 1.9 The Council has a number of different functions under the Act, including acting as both the Licensing Authority and as a number of different responsible bodies. For this reason, the Licensing Policy refers to the Council as the Licensing Authority and individual responsible bodies by their directorate name, notwithstanding they are also part of the same Council.

# 2. Policy Statement

- 2.1 The Authority maintains that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act; and that conditions attached to various authorisations will be focused on matters which are within the control of licence holders and others in possession of relevant authorisations. Accordingly, each application under the Act will be considered on its own merits; and no restrictive controls will be introduced or imposed unless they are felt to be necessary and appropriate.
- 2.2 Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act. Nor does it override the right of an Responsible Authority, other persons or businesses to make representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

- 2.3 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies.
- 2.4 The Authority recognises that any breaches of conditions attached to operating schedules automatically become criminal offences under section 136 of the Act and could lead to imprisonment for up to six months and/or a £20,000 fine for non-compliance. The penalties are high because such action could involve putting public safety at serious risk and particular care needs to be taken in both the decision to impose conditions and how they may be framed.
- 2.5 The Authority will operate from a pool of conditions, most of which will not be relevant to most premises, but it will enable some clarity and consistency to be developed on conditions. This is not and must not be taken as a “checklist” of appropriate conditions and if an applicant determines that any of the pool of conditions are not relevant and there are no relevant representations received, the licence will be granted without those conditions being attached. There nothing to prevent an applicant framing their own conditions for consideration by the Authority and not using those from the pool of conditions. The Authority will be fair and vigilant in considering all applications.
- 2.6 The Authority is committed to ensuring the highest levels of customer service for applicants, responsible bodies and interested parties. Our officers will always seek to assist applicants in completing applications and considering relevant conditions – particularly with a view to accommodating likely representations from residents and responsible bodies. This is an important part of building and enhancing the partnership between the Licensing Authority and the licensed trade and providing useful advice and assistance. Notwithstanding this advice, it will be a matter for the applicant to decide what conditions to volunteer and for responsible bodies and interested parties to seek additional conditions where appropriate to promote the licensing objectives.
- 2.7 In general, the licensing process will take the following form:
- the applicant addresses the licensing objectives through completion of the Operating Schedule;
  - if appropriate, the applicant ‘volunteers’ conditions through the Operating Schedule;
  - if a responsible body or an interested party feels that a particular licensing objective is not adequately addressed through the ‘Operating Schedule’, then it may make relevant representations to that effect;
  - if no relevant representations are made, then the application must be granted and the only conditions which can appear on the premises licence are those which have been volunteered by the applicant through the Operating Schedule; and any mandatory conditions specified within the Act;
  - if relevant representations are made the Licensing Authority’s discretion is engaged, enabling them to impose additional conditions which must be, appropriate to promoting the licensing objectives, proportionate; and address the other general principles set out in the Act, the Secretary of State’s Guidance and this Policy.
- 2.8 This policy has regard to the Authority’s duties under section 17 of the Crime and Disorder Act 1998. (Duty to do all it reasonably can to exercise its functions with due regard to the likely effect on crime and disorder and the need to prevent it.)
- 2.9 In undertaking its licensing functions, the Authority will ensure that at all times it pays due regard to its obligations under the Equalities Act 2010, and will ensure that the policy does not disproportionately impact of any particular equality group. As

part of this a Stage 1 Equality Impact Assessment has been conducted.

### 3. Consultation

- 3.1 Consultation on this Policy took place between 9<sup>th</sup> June 2014 and 31<sup>st</sup> August 2014; and was carried out in accordance with Section 5(3) of the Act.

### 4. Licensing Objectives

- 4.1 In exercising its functions under the Licensing Act 2003, the Authority will have regard to the Licensing Objectives as set out in section 4 of the Act.

- 4.2 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;

- 4.3 The Act places a duty on the Licensing Authority to carry out its functions under the Act with a view to promoting these objectives.

- 4.4 Each of these objectives is considered to be of equal importance for the purposes of this policy.

### 5. Licensable Activities

- 5.1 The Authority's statement of licensing policy relates to all licensing activities falling within the provisions of the Act, namely

- a) the sale by retail of alcohol;
- b) the supply of alcohol by or on behalf of a club to a member;
- c) the provision of 'regulated entertainment'; and
- d) the provision of late night refreshment;

- 5.2 The definition of what constitutes 'regulated entertainment' is complex and has been (and remains) the subject of Government deregulation. Whilst 'regulated entertainment' potentially covers live or recorded music, dancing, plays,

films and certain types of sporting activities, the Act itself provides various exemptions and restrictions on the types of activities subject to licensing.

- 5.3 Other legislation such as the Live Music Act 2012 has removed the ability of the Authority to regulate live music at certain times and in certain circumstances.

- 5.4 At the time of writing this policy, further deregulation of certain other forms of regulated entertainment is planned primarily between the hours of 8.00am and 11.00pm where that entertainment takes place before an audience of a prescribed size.

- 5.5 It cannot be assumed therefore that a licence is required for all forms of entertainment or, even if a licence is required, that the Authority will necessarily have the power to impose restrictions or conditions on such entertainment.

### 6. Prevention of Crime & Disorder

- 6.1 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the crime and disorder objective. Such steps, as are required to deal with these identified issues, should be included within the applicant's Operating Schedule.

- 6.3 When applicants for premises licences or club premises certificates are preparing their Operating Schedules or club Operating Schedules, or responsible authorities are considering such applications, or when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options will be considered as measures which, if appropriate, would promote the prevention of crime and disorder.
- 6.4 Whether or not any risk assessment shows these options to be appropriate in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It is noted that many club premises operate under codes of discipline to ensure the good order and behaviour of members.
- 6.5 Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.
- 6.6 Any individual preparing an Operating Schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.
- 6.7 In certain premises where existing legislation does not provide adequately for the reduction of crime and disorder or the safety of the public or club members and guests, consideration may also be given to conditions that deal with:
- crime prevention design, including adequate lighting and supervision of car parks;
  - door supervision, including arrangements for screening for weapons and drugs;
  - other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or under age; use of toughened or plastic glasses);
  - the removal from the premises of drinking vessels and bottles;
  - drug dealing or abuse;
  - prostitution or indecency;
  - discouraging drinking in public places in the vicinity of the premises; and
  - discouraging the handling and distribution of stolen, counterfeit non-duty paid or other illegal goods.
- 6.8 The Authority accepts that only a small minority of customers are likely to behave badly and this policy should be viewed as part of a framework of measures that will be used to tackle anti-social behavioural problems in any area where licensed premises are situated.
- 6.9 The 'Town Centre Business Link', a radio link connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police, can provide for rapid response by the police to situations of disorder which may be endangering customers and staff on the premises. Such radios provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. The Licensing Authority encourages licence holders to participate in the radio link scheme, but this will not be added as a condition of licences.



- 6.10 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside licensed premises. Conditions will not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police can provide individuals conducting risk assessments when preparing Operating Schedules with advice on the use of CCTV to prevent crime.
- 6.11 Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be appropriate to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.
- 6.12 It may be appropriate to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions will not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.
- 6.13 Although most commonly made a condition of a licence on public safety grounds, consideration will also be given to conditions, which set capacity limits for licensed premises or clubs (or parts of those premises) where it may be appropriate to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.
- 6.14 It may be appropriate at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.
- 6.15 It may be appropriate for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.
- 6.16 Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

6.17 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit;

## Glass Control

6.18 Glass can be a major factor in disturbances around licensed premises and the Authority may impose special conditions on certain types of venue in relation to glass control both within the premises, at disposal points and through unauthorised removal of glass from the premises.

6.19 In particular, the Authority may consider it appropriate to ensure licensed premises have regular glass collection services in certain types of venue and keep control of waste bottle/glass receptacles.

6.20 Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. Any condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

6.21 In appropriate circumstances, the condition could include exceptions, for example:

- bottles containing wine, being sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food;

6.22 Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form can cause very serious injuries. Therefore consideration could be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example,

- the use of glass containers on the terraces of some outdoor sports grounds
- indoor sports events such as boxing matches.
- the use plastic containers or toughened glass during televised sporting events, such as international football matches,

6.23 It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures appropriate to promote public safety.

## Door Supervision

6.24 Conditions relating to the provision of door supervisors and security teams are valuable in town centre locations and premises operating after 11.00pm in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

6.25 Where door supervisors conducting security activities are to be a condition of a licence, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

6.26 All door supervisors employed at licensed premises will need to be registered with the Security Industry Authority or, if superseded, its successor; and will be expected to display their identification as issued by the Security Industry Authority.

## Drugs

6.27 In light of relevant representations received, special conditions may be imposed for certain types of venues to prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. In all cases where these conditions are to be imposed, advice will be taken from the Oldham Drug and Alcohol Action Team and the Police.

6.28 The Authority may also impose special conditions for certain types of venue relating to access for customers to drug testing kits, particularly for the prevention of drug assisted sexual assault. In all cases where these conditions are to be imposed, advice will be taken from the Oldham Drug and Alcohol Action Team and the Police.

6.29 The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways, which maximize the safety of customers, performers and staff. Any conditions relating to these types of venues will take into account the "Safer Clubbing" guidelines issued by the Home Office and annexes J and K of the guidance issued under section 182 of the Licensing Act 2003.

6.30 Key activities of club owners, managers and event promoters include:-

- communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue;
- developing a constructive working relationship with licensing authority officers and police officers with licensing responsibilities;
- developing a venue drug policy in consultation with licensing and police officers;
- ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully;
- employing door supervisors from a reputable company and with Security Industry Authority accreditation;
- employing experienced and fully trained first aiders;
- providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent contamination of water by others;
- liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers;

- considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team;
- sharing intelligence on drug use and drug dealing with police officers and other local venues;
- informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues;
- considering the provision of safe transport home;
- ensuring that all staff are aware of the law and the responsibilities of the club to work within it.

## 7. Public Safety

7.1 Fire precautions and means of escape from licensed premises are particularly important. Large numbers of people, some of whom may be under the influence of alcohol, must be safely contained, managed and, if necessary, evacuated from premises. Due regard must be had to these issues. The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform Fire Safety Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

7.2 When addressing public safety the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public safety objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.

7.3 It is also recognised that special issues

may arise in connection with outdoor and large scale events. Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

7.4 However, in consulting these texts, some of which were prepared prior to the coming into force of the Licensing Act 2003, those creating Operating Schedules or club Operating Schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

7.5 Fire safety guides can be purchased from any good book shop or downloaded free from <http://www.manchesterfire.gov.uk/>

7.6 For Health and Safety advice please refer to the Health and Safety Executives website at <http://www.hse.gov.uk/>

7.7 Any individual preparing an Operating Schedule or club Operating Schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives.

7.8 In certain premises where existing legislation does not provide adequately for the safety of the staff or others lawfully on the premises, consideration should also be given to conditions that deal with Living accommodation attached to or accessed via Licensed Premises, such as:

- ensuring that sufficient fire safety arrangements are in place to detect and warn occupants and all other relevant persons
- ensuring adequate fire separation and means of escape is provided between the mixed use premises.

7.9 In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

7.10 Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new Operating Schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

7.11 The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances;

7.12 In certain circumstances, it may be appropriate to require that certain special effects are only used with the prior notification of the licensing authority or the fire authority.

7.13 In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that deal with:

- the adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises (including procedures for preventing people from consuming excess alcohol and driving);
- ensuring that any arrangements or advertising of taxis and private hire vehicles only relate to such vehicles licensed by the Authority;

## 8. Public Nuisance

8.1 The Act covers a wide variety of premises that require licences, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants against these risks as far as is practicable.

8.2 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.

- 8.3 If relevant representations are received, the Authority may impose conditions to prevent nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.
- 8.4 When applicants for premises licences or club premises certificates are preparing their Operating Schedules or club Operating Schedules, or responsible authorities are considering such applications or licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance. Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.
- 8.5 In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:
- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
  - prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
  - the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted (particularly ensuring that firework parties are not managed by persons consuming alcohol, that adequate safety precautions are in place, that fireworks are not set off between 2300hrs and 0700hrs (except on 31<sup>st</sup> December/1<sup>st</sup> January); and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- 8.6 In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
- 8.7 In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.
- 8.8 Conditions may include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises. Conditions may be imposed requiring licensees to display signs at all exits of premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

## 9. Protection of Children from Harm

- 9.1 The Authority recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on licensed premises and seeks to encourage their access to constructive leisure pursuits, which support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the prevention of harm.
- 9.2 When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's Operating Schedule.
- 9.3 The Authority will not impose conditions, which restrict or prevent access by children unless this is appropriate to promote the 'licensing objectives'.
- in determining a 'specified cut-off time', the Authority will take into account;
  - the concerns of responsible authorities and interested persons who have made representations;
  - the steps set out in an operating schedule which the licensee will take to protect children from harm on such premises; and
  - the type of event for which no age restriction may be needed e.g. family entertainment; non alcohol events.
- 9.4 In respect of all licensed premises where alcohol is usually supplied for consumption on the premises and in the light of any relevant representations being received, very careful consideration will be given by the Authority before permitting children under 16 years, who are unaccompanied by an adult, to be or remain on the premises after 9:00pm; even when there are no supplies of alcohol taking place (such as 'teen discos' etc). This is intended as an upper limit and does not imply that this limit will be permitted for all relevant applications. In any event each case will be dealt with on its own merits.
- 9.5 There will be a strong presumption against access by persons under 18 to premises where any of the following apply:
- convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;
  - a known association with, or inadequate arrangements to deter, drug taking or dealing;
  - a strong element of gambling on the premises;
  - entertainment of an adult or sexual nature is provided;
  - inadequate arrangements to protect children from supply and use of other products which it is illegal to supply to children or the harmful effects of passive smoking; or
  - in the opinion of the Authority, there are inadequate controls on the times during which children may be present on the premises;
- 9.6 The Authority's options would include, amongst other things:
- 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; and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 9.7 No conditions will be imposed to the effect that children must be admitted to licensed premises.

9.8 In certain premises where existing legislation does not provide adequately for the protection of children from harm, consideration might also be given to conditions that deal with:

- the prevention of unlawful supply, consumption and use of alcohol and drugs and any other products that it is illegal to supply to children; and
- premises restrictions on the access by children to the whole or any part of the premises, including times when children may not be present;

9.9 Under the Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Authority following relevant representations made by responsible authorities and interested parties, will consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. These could include:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example family entertainment or non-alcohol events for young age groups, such as under 18s dances; and/or
- Similarly, types of event or activity, which give rise to a more acute need for age restrictions than normal, for example; during “Happy Hours” or on drinks promotion nights.

9.10 Proof of age cards are relevant to both the prevention of crime and disorder and the protection of children from harm. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is

made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement will not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences and passports.

9.11 The Authority strongly supports the PASS accreditation system which aims to approve and accredit various ‘proof of age’ schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports.

9.12 Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times.

9.13 Challenge 25 builds on the highly successful Challenge 21 campaign developed by the ‘Retail of Alcohol Standards Group’ in 2005. The Authority strongly supports the use of a ‘Challenge 25’ policy for all premises that supply alcohol.

9.14 Premises should check with the Licensing Authority for the availability of free resources relating to ‘Challenge 25’.

### Do-You-Pass training

9.15 Please see sections 10.8 to 10.12 of this policy for information relating to the do-you-pass training module.



## Children and Entertainment

- 9.16 The Authority will impose conditions in accordance with section 20 of the Act to prevent the viewing of films by children below the age of any restriction for that film as classified according to the recommendations of the British Board of Film Classification (BBFC) or the Authority, as the case may be.
- 9.17 The Authority considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by BBFC or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include a condition:
- that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
  - that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.
- 9.18 Where entertainment aimed specifically at children takes place, the licensee must take all reasonable steps to maintain the safety of the children on the premises. The licensee must ensure that there are sufficient adult supervisors, with sufficient experience, in place to provide an adequate level of safety bearing in mind the number and ages of the children involved and any other issues such as disabilities that the children may have.
- 9.19 The admission of children to theatres, as
- with other licensed premises, will not normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play will be left to the discretion of the licence holder and no condition restricting the access of children to plays will be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children.
- 9.20 The Authority will also consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency
- 9.21 Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof. The Authority will have regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

9.22 There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. The Licensing Authority will not duplicate any of these requirements. However, the Licensing Authority may, if it is appropriate, consider imposing conditions in addition to these requirements, for the promotion of the protection of children from harm.

## 10. Selling Alcohol Responsibly

### Drinks Promotions

- 10.1 Schedule 4 to the Policing and Crime Act 2009, and the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014, mandatory conditions relating to drinks promotions. The Home Office has issued guidance on these conditions which can be found on the Home Office website - [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)
- 10.2 When considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the Licensing Authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises.
- 10.3 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

10.4 Complaints about products under the Code are considered by an Independent Complaints Panel. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a 'Retailer Alert Bulletin' to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

10.5 By addresses the naming, marketing and promotion of alcohol products, the Code is seen as an important mechanism in protecting children from harm.

10.6 Where appropriate and necessary, consideration may be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's 'Retailer Alert Bulletins'.

10.7 The Authority will not use the Licensing Policy to control prices or hinder free and fair competition in licensed trade.

### Do-You-Pass Training

10.8 The 'Do-You-Pass' training module is part of the 'Trading Standards Institutes' ('TSI') fair trading award.

10.9 The training is delivered by TSI accredited trainers in two-and-a-half sessions, which includes a short examination, assessed and certificated by the TSI.

10.10 The interactive training focuses on the main issues affecting every retailer of age-restricted products, such as:

- what the law requires of business and staff;
- proxy sales;
- steps can take to avoid making illegal sales:
  - i) challenge 25;
  - ii) checking and accepting proof of age cards;
  - iii) use of refusal logs;
  - iv) staff training;

- 10.11 Applicants, existing licence holders and staff working in, premises licensed under the Licensing Act 2003, are recommended to undertake such training in order to show due diligence.
- 10.12 In light of relevant representations received where the sale of alcohol directly to a person underage, or via a proxy sale, is a factor, consideration may be given to making it a condition on a licence that the licence holder, and any staff employed by the licence holder, attend and complete the 'do-you-pass' training module.

## 11. Written and Spoken English

- 11.1 The Licensing Authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English so as to be able to complete documents such as refusals books and read training guides.
- 11.2 Where relevant representations are made, and a lack of understanding of basic written and / or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences and club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at cost to the applicant.

### Reduce the Strength Campaign

- 11.3 The Licensing Authority, together with Local Authority Partners, are working together to look at the impact of 'high strength / low cost' alcohol.

- 11.4 In addition, the introduction of The Licensing Act 2003 (Mandatory Conditions) Order 2014, introduces a mandatory condition banning the sale of alcohol below the cost of duty plus VAT. Guidance on this new mandatory condition can be found on the [www.gov.uk](http://www.gov.uk) website.

## 12. Opening Hours

- 12.1 The Authority will deal with licensing hours on the merits of each individual application. No application to transfer an existing licence will result in a reduction of licensed hours.
- 12.2 The Authority recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce friction at late night fast food outlets, taxi ranks and other sources of transport, which leads to disorder and disturbance.
- 12.3 The Authority is keen to promote a safe, thriving and diverse night-time economy, both within Oldham Town Centre and elsewhere in the Borough. Should opening hours compromise any of the licensing objectives then responsible bodies or interested parties are entitled to lodge a review application.
- 12.4 Appropriately licensed shops, stores and supermarkets will normally be permitted to sell alcohol during their normal trading hours, for consumption off premises, where consistent with the Authority's 'licensing objectives'.
- 12.5 Where relevant representations are received, limitations may be imposed, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

- 12.6 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (11:30pm-7:00am).
- 12.7 The Authority requests that any applicants in respect of premises supplying take-away food, who also wish to supply alcohol for consumption off the premises between the hours of 11.00pm and 5.00am, pay particular attention in their Operating Schedules to crime and disorder and public nuisance caused by patrons leaving the premises.
- 12.8 This policy acknowledges that Central Government have introduced a discretionary power that enables Local Authorities to introduce 'Early Morning Alcohol Restriction Orders' ('EMARO'). If introduced, an EMARO restricts the time after which alcohol may be sold or supplied. The time is set by the Licensing Authority, but has to be between midnight and 06:00; and would apply to Premises Licences, Club Premises Certificates or Temporary Event Notices.

## 13. Cumulative Impact

- 13.1 The Authority may refuse applications for premises licences where representations are received from a Responsible Authority or interested party that the issue of a licence may, due to a concentration of premises in an area, result in exceptional problems for that area to the detriment of the Authority's licensing objectives. In such cases, the Authority may adopt a Special Saturation Policy in accordance with the provisions of the Act.
- 13.2 The Authority recognises that saturation policies can curtail expansion of supply in

certain areas, but can also have the effect of removing improvement pressures from increased competition on poorly performing businesses. The Authority also recognises that a saturation policy could apply to a particular type of premises (such as off licences) and that any interested party or responsible body is entitled to make representations on the cumulative impact of a new application notwithstanding that a saturation policy is not in place. It is for any person making such representations to provide evidence to the Authority that the addition of the premises concerned would cause the cumulative impact claimed. When considering such representations, the Authority will:-

- identify any serious and chronic concern;
- identify the area from which problems are arising and the boundaries of that area;
- make an assessment of the causes;
- consider adopting a policy about future licence applications from that area;

- 13.3 In the event of determining a Cumulative Impact Policy, the Authority will continue to consider each application for a licence on its merits and may decide that a particular application would not add significantly to the cumulative impact and grant an application notwithstanding a Special Saturation Policy being in place.
- 13.4 The Authority recognises that the assessment of commercial need is a matter for market forces and not a matter for licensing controls. However, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Authority to consider.
- 13.5 At this time Oldham Council has no Cumulative Impact policy in place.
- 13.6 Should the Council look to introduce such a policy, consultation will take place in accordance with any relevant legislation and / or statutory guidance.

## 14. Late Night Levy

- 14.1 The Police reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within the Borough of Oldham.
- 14.2 The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the Borough that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy.
- 14.3 The provisions relating to the Late Night Levy come into force on the 31<sup>st</sup> October 2012. As the powers are discretionary the Council, in its capacity as Licensing Authority, must decide whether to introduce them; and in accordance with the 2011 Act, in making that decision the Council must consider:-
- a) the cost of policing and other arrangements for reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 06:00am; and
  - b) having regard to those costs, is there a desire to raise revenue to cover those costs;
- 14.4 In considering whether there is a ‘desire’ to introduce the late night levy, the Licensing Authority must take into account the views of Greater Manchester Police, the licence holders that will be affected by the levy and residents of the Borough.
- 14.5 The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Greater Manchester Police.

- 14.6 The Licensing Authority recognises that this levy would cover the whole of the Borough and not just those premises that are causing problems or those premises within any cumulative impact area. Therefore serious consideration will be given to the introduction of the levy in light of this. Furthermore, the Licensing Authority will give serious consideration as to whether or not the levy is a viable proposal.
- 14.7 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing a late night levy, should this change during the life of this policy then a designated procedure would be applied to determine if late night levy is appropriate.

## 15. Early Morning Alcohol Restriction Orders

- 15.1 The power to make, vary or revoke an Early Morning Alcohol Restriction Order (‘EMARO’) is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on the 31<sup>st</sup> October 2012 and the government has provided guidance as part of the section 182 ‘Guidance to Licensing Authorities’.
- 15.2 An EMARO enable a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 15.3 EMAROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 15.4 It is the Council’s intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However, where this has deemed to fail then an EMARO may be considered as a possible solution.

15.5 It is likely that any request for an EMARO, will come from Greater Manchester Police; however, the request may also be made by a number of different organisations, for example the request for an EMARO may originate from the Council its-self, a District Partnership, Public Health or Residents Associations.

15.6 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMARO. Should this change during the life of this policy then a designated procedure would be applied to determine if an EMARO is appropriate.

## 16. Alcohol in Public Places

16.1 The Authority has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. The Authority will keep designated areas under review. Currently, the Authority has designated most of the Oldham Town Centre area and the Failsworth and Hollinwood areas as places where alcohol may not be consumed publicly.

16.2 In considering licence applications and reviews, the Authority will have regard to the impact of licensed premises on the observance of the designated area controls. This is likely to be particularly relevant to sales of alcohol in open containers for consumption off the premises and unauthorised removal of alcohol in open containers, which have been supplied for consumption on premises.

## 17. Live Music and Entertainment

17.1 The Authority recognises that as part of implementing any cultural strategy as may from time to time apply, proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely

to the promotion of the licensing objectives.

17.2 The Authority will keep the impact its policy is having on the promotion of live music, dancing, theatre, carnival events, children's entertainment and performance artists under constant review.

17.3 A number of public spaces with in the Borough have been granted a licence for, amongst other things, the provisions of regulated entertainment. For a list of these spaces please see the Councils website [www.oldham.gov.uk](http://www.oldham.gov.uk)

17.4 The provision of music and dancing in a venue is a specialist function placing additional demands on staff and management. Dance floors may be a potential flashpoint for violence and disorder and should, therefore, be properly risk assessed to ensure a safe environment. The Authority will expect that these concerns are addressed in Operating Schedules so that the responsible bodies can make informed judgements on the adequacy of proposed arrangements for dance floors.

17.5 The Live Music Act 2012 amends the Licensing Act 2003 so as to remove live music from the definition of 'regulated entertainment', where the following criteria are satisfied:-

- there is a premises licence or club premises certificate in place permitting on sales;
- the premises are open for the sale or supply of alcohol for consumption on the premises;
- live music is taking place between 8am and 11pm;
- if the live music is amplified, the audience consists of no more than 200 people

17.6 The Live Music Act 2012 also amends the Licensing Act 2003 so as to create a general exemption that, live unamplified music, provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 8am and 11pm, regardless of the number of

people in the audience.

- 17.7 Further changes to what constitutes regulated entertainment are due to come into effect from April 2015. Please contact the licensing offices for further information on these changes.

## 18. Event Notification

- 18.1 Where events are held on Council land, the Council requires an event notification form be completed. This notification will enable the Authority and Partnering agencies to offer their expertise and support to the event organiser.
- 18.2 You should notify the Council if your event will:
- impact on traffic or parking;
  - take place on Council land;
  - require road closures or 'no waiting' restrictions;
  - have loud music;
  - provide entertainment;
  - sell food, drink or alcohol;
  - require licences e.g. street trading or sale of alcohol;
  - attract over 200 people;
- 18.3 If your event is on private land and doesn't fall into one of the above categories you do not need to notify the Council. However the Council can help advertise your event - email [events@oldham.gov.uk](mailto:events@oldham.gov.uk)
- 18.4 Event notification forms can be obtained from the Council website at <http://www.oldham.gov.uk/info/200204/licensing/361/events> and should be submitted at least 3 months prior to the event taking place.

## 19. Public Health

- 19.1 Section 104 of the Police Reform and Social Responsibility Act 2011 and the Health and Social Care Act 2012, amends the 2003 Act so as to include a Local Authority's 'Public Health' department as a responsible Authority.

- 19.2 As a responsible authority, Oldham Council's public health department can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates; in addition, public health may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection.

- 19.3 Representations should be evidence-based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, the Council's public health department must ensure representations are relevant to one of the four existing objectives

## 20. Operating Schedule

- 20.1 An Operating Schedule is a document which must be submitted with a licence application and which must contain the information required by Section 17 of the Licensing Act. Among other things it must include the steps which the applicant proposes to take to promote the licensing objectives. The Authority requires applicants to address all of the areas in this policy where they are relevant to the proposed licensed activity.
- 20.2 If a responsible body or interested party submits a relevant representation, then the Authority's discretion is engaged to attach additional conditions to a licence to meet those representations if the Authority considers this to be appropriate in the individual circumstances of each application.

## 21. Adult Entertainment

- 21.1 Section 27 of the Policing and Crime Act 2009 introduced new powers for Local Authorities to control 'Sexual Entertainment' venues. Applicants wishing to provide adult entertainment should consult the Authority's policy on providing

such entertainment. This policy can be found at <http://www.oldham.gov.uk/info/200204/licensing>

21.2 Where an operating schedule does not refer to 'adult entertainment' taking place on the premises the Authority may place restrictions on the licence that would prevent 'adult entertainment' taking place.

## 22. Conditions

22.1 Conditions to be imposed on licences will be specific to the individual premises and events. They will normally be drawn from the model pool of conditions based upon this Policy and the Secretary of State's Guidance.

22.2 This list is not exhaustive and may be varied from time to time as considered necessary when licensable activities are being carried out. The Authority may also impose such other conditions as described in this policy and consistent with meeting the Authority's licensing objectives.

## 23. Integration of Policies and Avoidance of Duplication

23.1 Licensing is but one part of an overall strategy to deal with poor behaviour. Other mechanisms include:

- planning controls;
- positive measures to create a safe and clean town centre environment;
- powers of the Authority to designate public areas where the consumption of alcohol is not permitted;
- police enforcement of disorder and anti-social behaviour;
- the prosecution of personal licence holders and staff for selling alcohol to persons who are under age or drunk;
- police powers to close down instantly any licensed premises on grounds of disorder or likelihood of disorder or excessive

noise emanating from the premises;

- powers of the Local Authority under the Environmental Protection Act and Health and Safety at Work Act;
- power of police or a local resident or business to seek a review of a licence.

23.2 The Licensing Authority will consider the impact of licensing on regulated entertainment particularly live music and dancing. Where there is any indication that licensing requirements are deterring such events, the Authority's policy will be examined with a view to investigating how this situation may be addressed.

23.3 The Licensing Committee will receive annual reports on the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder.

23.4 So far as possible, duplication with other regulatory agencies will be avoided and conditions will only be attached to licences which are necessary for the promotion of the licensing objectives.

## 24. Planning

24.1 There are several key differences between licensing and planning control. Licensing is concerned with the operation and management of the premises. Planning control relates to the use of the premises.

24.2 The Authority recognises that licensing applications should not be seen as a re-run of any planning application and that there should be clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

24.3 Applicants for a premises licence need to be aware that the granting of a licence under the Licensing Act does not negate the need to obtain planning permission.

24.4 To assist in this process the Authority may provide reports to the Council on the situation regarding licensed premises in the district, including the impact of alcohol related crime and disorder.



## 25. Enforcement

- 25.1 The Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Greater Manchester Police, Fire Authority and other agencies to support the 'licensing objectives'.
- 25.2 Protocols will provide for targeting of agreed problem and high risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.
- 25.3 The Authority has adopted a business enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality will be maintained.
- 25.4 The Authority continually reviews its regulation practice and will ensure implementation of best practice as delivered from time to time by guidance or legislation.

## 26. Processing of Applications and Objections

- 26.1 The Authority will process all applications taking into account any relevant timescales in the Act and, where there are no timescales, within a reasonable time.
- 26.2 The Authority will also publish guidance for applicants to assist them in identifying the kind of actions that may need to be taken to meet the licensing objectives. The guidance will supplement anything issued by central Government. It will not provide an exhaustive list of options, but it will give applicants advice on many of the approaches that can be taken to ensure successful applications for licences.
- 26.3 Licences can be issued either:
- by Officers acting under delegated

- powers;
- following review by the full Licensing Committee; or
- following review by a sub-committee of the full Committee (called a Licensing Panel).

- 26.4 Potential objectors to licence applications can be "responsible authorities", who are:-
- Oldham Council, in its capacity as Licensing Authority; and any other licensing authority in whose area part of the premises is situated;
  - the chief officer of police;
  - the local fire and rescue authority;
  - the local enforcement agency for the Health and Safety at Work Act 1974 etc;
  - environmental Health;
  - planning;
  - a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
  - Primary Care Trusts (PCTs) and Local Health Boards (in Wales); and
  - the weights and measures authority.
- 26.5 As well as responsible authorities, any other person, which includes any individual, body or business, can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.
- 26.6 Whilst any of these 'other persons' may act in their own right, they may also request an individual or group to represent them. This could be someone legally qualified or an MP, MEP or Ward Councillor. Where a Councillor agrees to make representations on behalf of an interested party and that Councillor is a member of the Licensing Committee, they will disqualify themselves from all involvement in the decision making process in relation to that application.

- 26.7 Representations can only be considered if they relate to a problem that could compromise one or more of the licensing objectives. Officers will decide if this is the case and they are charged with deciding whether or not objections are irrelevant, frivolous or vexatious. Any representation deemed so will not be considered.
- 26.8 Representations need not just relate to the negative effect of a licence but may relate to the positive effect the granting of a licence may have. This also true in the case of a review where positive representations can be taken into account by the Authority.
- 26.9 In order to ensure that it is meeting its obligations in relation to Community Cohesion and equality of opportunity, the Council will routinely undertake ethnic, gender, disability, age and sexual orientation monitoring of all licensing activity. However, this will not form a relevant factor for determining licensing applications and such information shall be anonymised or removed prior to the application being processed.

## 27. Contact Details

<u>Authority / Organisation</u>	<u>Address</u>
Licensing Authority	Sir Robert Peacock House Vulcan Street Oldham OL1 4LA Phone: 0161 770 4730 Fax: 0161 770 4481 <a href="mailto:licensing@oldham.gov.uk">licensing@oldham.gov.uk</a>
Trading Standards	Sir Robert Peacock House Vulcan Street Oldham OL1 4LA Phone: 08454 04 05 06 <a href="mailto:tradingstandards@oldham.gov.uk">tradingstandards@oldham.gov.uk</a>
Planning	Civic Centre PO Box 30 West Street Oldham, OL1 1UQ Phone: 0161 770 4105 Fax: 0161 770 3104 <a href="mailto:planning@oldham.gov.uk">planning@oldham.gov.uk</a>
Environmental Health	Chadderton Town Hall Middleton Road Oldham OL9 6PP Phone: 0161 770 2244 <a href="mailto:environmentalhealth@oldham.gov.uk">environmentalhealth@oldham.gov.uk</a>
Greater Manchester Police	Oldham Police Divisional Licensing Officer Sir Robert Peacock House Vulcan Street Oldham OL1 4LA Phone: 0161 856 9069
Greater Manchester Fire and Rescue	Greater Manchester Fire and Rescue Service Oldham Borough Phone: 0161 909 8626/27 <a href="mailto:obr@manchesterfire.gov.uk">obr@manchesterfire.gov.uk</a>