

## ***LICENSING COMMITTEE Regulatory Committee Agenda***

Date Tuesday 2 March 2021

Time 9.30 am

Venue <https://www.oldham.gov.uk/livemeetings>. The meeting will be streamed live as a virtual meeting.

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services email [constitutional.services@oldham.gov.uk](mailto:constitutional.services@oldham.gov.uk)

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact Officer by 12 Noon on Thursday, 25 February 2021.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE LICENSING COMMITTEE IS AS FOLLOWS:  
Councillors M Bashforth, Briggs (Chair), Cosgrove, Davis, Garry, C. Gloster, Harrison, Hewitt, A Hussain, Malik, McLaren, Price, Sheldon and Shuttleworth

Item No

1 Apologies For Absence

- 2        Urgent Business  
  
          Urgent business, if any, introduced by the Chair
- 3        Declarations of Interest  
  
          To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4        Public Question Time  
  
          To receive Questions from the Public, in accordance with the Council's Constitution.
- 5        Minutes of Previous Meeting (Pages 1 - 8)  
  
          The Minutes of the meeting of the Licensing Committee held on 20<sup>th</sup> November 2020 are attached for approval.
- 6        Adoption of Revised Licensing Act 2003 Policy (Pages 9 - 60)  
  
          This report requests that Members consider the attached proposed Statement of Licensing Policy as it continues its passage to Council in due course.
- 7        Public Health Data Tool in Licensing Decisions (Pages 61 - 66)  
  
          Members are asked to endorse the use of public health data to assist in decision making in relation to alcohol premises applications under the Licensing Act 2003.
- 8        Licensing Update (To Follow)  
  
          An update on licensing activity since the last meeting and current issues.

**Present:** Councillor Briggs (Chair)  
Councillors Cosgrove, Davis, Garry, C. Gloster, Harrison,  
McLaren, Price, Sheldon and Shuttleworth

Also in Attendance:

Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing Manager
Lori Hughes	Constitutional Services
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services
Kimberley Riley	Business Support Officer

1        **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2        **URGENT BUSINESS**

There were no items of urgent business received.

3        **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4        **PUBLIC QUESTION TIME**

A public question had been received from Mr. A. Khayal.

Minimum licensing standards in Greater Manchester areas should be abolished until 2032 due to very very poor economical situation in Oldham

Clean air implementation - Is very costly our affordability is significantly gone down that should be postponed with MLS until 2032.

The Chair provided the following response:

“The Council is very aware of the situation faced by many businesses including the hackney carriage trade who are greatly affected by the impact of COVID-19 and the drop in business. The ten Greater Manchester Councils are under a legal directive by the Government to introduce a Category C clean air zone across the region to bring nitrogen dioxide levels on roads within legal limits in the shortest possible time and by 2024 at the latest.

GM are now consulting on the key elements of the proposals, including proposed daily clean air zone charges, discounts and exemptions. This is also linked into proposed minimum licensing standards that will help draw funding down from the Government. These standards go further than just cleaner vehicles and include a number of Government mandated

standards in their statutory guidance together with some additional local measures to further promote public safety which is the golden thread of licensing.

During the consultation we are gathering feedback on the impact of COVID-19 and shall be taking on board all responses to the consultation. The Government has asked GM to continue to progress the clean air plan and undertake the consultation and delay it no further. We are therefore not in a position to recommend a delay until 2032 but are eager to hear the outcomes of both consultations before considering the position further next year.”

**RESOLVED** that the public question and response provided be noted.

5 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on 2<sup>nd</sup> June 2020 be approved as a correct record.

6 **LICENSING ACTIVITY UPDATE**

Consideration was given to a verbal report of the Trading Standards and Licensing Manager which sought to inform the Committee of the activity and key priorities and projects within the Council's Licensing Functions.

Members were advised of the ongoing work undertaken by the licensing team during the Covid-19 pandemic. It was noted that the counter service had remained closed during the lockdown. Ongoing communication was being relayed via email and the service website. The plan would be to review future communication going forward.

Members were informed that the pass rate for vehicle tests was at 52% in June and the number of drivers and vehicles remained the same as pre Covid-19 and new applications for licenses were being approved under delegated powers by the Trading Standards and Licensing Manager. Training for drivers was provided virtually through Teams and deferred payments were given to the drivers along with face coverings and stickers for the vehicles.

Members referred to journeys being undertaken by drivers not wearing seatbelts. It was explained that it is legal for private hire drivers to drive without a belt whilst passengers were in the vehicles. Members also felt that it should be made clear to passengers when a driver did not wear a mask. It was explained that operators were required to have drivers wear masks when they could.

Members thanked the work of the Licensing Team and asked how it could be ensured that vehicles would be cleaned after each journey. Members were informed that it was hard to enforce however the Authority and the majority were doing

their bit to prevent the spread of the Covid-19. It was suggested by Members that letters be sent to the Taxi Associations to look after their vehicles however not all drivers were members of associations.

Members were informed of the progress on support available and that the authority were waiting on regulations being provided on what the money would be allowed to be spent on, once received the authority would get the information out to all affected.

**RESOLVED** that the verbal update be noted.

7

## **GM MINIMUM LICENSING STANDARDS AND CLEAN AIR CONSULTATIONS**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which advised Members of the commencement of consultation of Greater Manchester Minimum Licensing Standards and Clean Air Plan that would close on the 3<sup>rd</sup> December 2020.

There were four main areas the minimum licensing standards covered which were:

- Drivers: Common standards of DBS checks, medicals, local knowledge, English language proficiency, driver training and dress code.
- Vehicles: Vehicle emission standards of Euro IV for petrol engines and Euro VI for diesel from 2021 with an ambition to zero emission capable vehicles by 2029. Age policy of under five at first licensing and licensed until ten years old. All hackney carriages to be black and private hire vehicles white. Hackney carriages to be all wheelchair accessible. Common livery, CCTV in vehicles and other design and licensing requirements.
- Operators: Private hire operators and base staff to have basic DBS checks. Updated conditions and record keeping requirements.
- Local authorities: Common timescales for submitting applications and receiving granted ones. A common enforcement approach and a framework to which fees will be set.

Members were informed of the Clean Air Plan for Greater Manchester and the staggered approach to reduce emissions within Greater Manchester. Though a Government mandate the ten Local Authorities were required to consult with each other to develop a joint Clean Air Plan to improve air quality. Pollution was linked to health complications and was the cause of numerous deaths, the Clean Air Plan would cover all commercial vehicles as it was a serious issue for Greater Manchester.

Members asked for and received clarification on the cost to replace private hire vehicles and what support was available to

drivers. It was noted that it would cost around £1000 to replace a private hire car and £5000 for minibuses. Members were informed that it cost more to replace a mini bus and that there were more saloon cars that required replacing within the small pot of money received from Government via a bid. The Authority was going for any money they could get to help to ensure all vehicles met the requirements to support the trade.

Members felt that the offer of £1000 for the vehicles was not enough from drivers and there was an issue with the policy on the colours of the vehicles. It was stated that within Oldham the Hackney saloon vehicles were all white and private hire vehicles were any colour. The policy would need to be changed to allow drivers to purchase white vehicles and black hackney vehicles now and in the future. Members were advised that the policy was not set in stone however if vehicles were compliant emissions wise then the colour of the vehicle would not need to change if within the age range. It was agreed that proposals on colour restrictions would be brought to the next meeting of the committee subject to a consultation with the trade.

**RESOLVED that:**

1. The report be noted.
2. The proposals on colour restrictions be brought to a future meeting of the Committee.

8

**STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which provided information on the Statutory Taxi and Private Hire Vehicle Standards.

Members were advised that the Government had issued statutory guidance relating to taxi and private hire vehicles being a high-risk environment. The guidance complimented the work already ongoing within Oldham with the majority of the proposals already included within the Greater Manchester Minimum Licensing Standards. The report focused mainly on safeguarding and promoting the welfare of children whilst reflecting the changes in the industry and the lessons learnt from experiences within the local areas since the 2010 Best Practice Guidance.

Members were informed that the guidance had been discussed across Greater Manchester and felt there was no reason not to implement the recommendations within the report.

**RESOLVED that:**

1. The report be noted.
2. The implications of the report be considered in future licensing decisions.

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**DISCLOSURE & BARING SERVICE CHECKS**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which informed members of the Government statutory guidance that required Local Authorities to conduct a Disclosure and Baring Service criminal records check every six months on licensed drivers.

Members were informed that the intention behind Government issuing the guidance was to improve the consistency of licensing policy and focused attention on protecting children and vulnerable adults. In order to comply with the guidance, the procedure required those who needed a DBS check to be registered for the online service which would be cheaper and a quicker option to conduct checks every six month rather than a full application being submitted each time. Members were informed that drivers would have 30 days from the date of the DBS to be registered for the online service.

**RESOLVED that:**

1. The report be noted.
2. The procedures as outlined in the report be approved.

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**LICENSED DRIVER MEDICALS**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager that requested Members approve an amendment to the Council's taxi and private hire licensing policy related to driver medicals.

Members were informed that due to the outbreak of Covid-19, Officers had allowed drivers who were unable to provide a medical to self-declare any changes in circumstances as general practitioners (GP) were not undertaking private medicals which followed the advice of the British Medical Association. It was explained that Officers had felt reluctant to license new drivers who had self-declared as an inaccurate health picture could be portrayed.

Members were advised that an amendment to the policy allowed Officers discretion to allow the use of private companies who offered medicals. GP's would perform the medicals with a summary of medical records in place of the whole medical file the would be held by the driver's own GP.

Members expressed that the amendment followed the Secretary of Transport approach and as there was not an end date for the virus, the proposal would provide an answer. It was noted that there were around 3 companies lined up for the work. Members commented on the cost of the scheme and noted that the cost to drivers would be £20 cheaper than using the GP service.

**RESOLVED that:**

1. The report be noted.
2. The policy amendment as outlined in the report be approved.



## LICENSING ACT 2003 POLICY REVIEW

The Committee gave consideration to a report of the Trading Standards and Licensing Manager on the Licensing Act 2003 Policy review. Members were asked to consider the revised statement of licensing policy.



Members were advised that licensing authorities were required to prepare and publish a statement of licensing policy every five years, Oldham Council adopted the current Statement of Licensing Policy on 15<sup>th</sup> November 2010. The proposals which followed the Secretary of State's guidance subject to consultation with those outlined at 4.1 of the report, included revisions on the following:

- Public Health
- Suspension of a premises licence for non-payment of annual fees
- Pavement licences
- Boxing events
- Child sexual exploitation
- Pre-application consultation
- Immigration
- Model conditions.

### **RESOLVED that:**

1. The report be noted.
2. The report be recommended to the Overview and Scrutiny Board.

## AMENDMENT TO ANIMAL WELFARE LICENSING POLICY

The Committee gave consideration to a report of the Trading Standards and Licensing Manager on the Amendment to the Animal Welfare Licensing Policy.

Members were advised of the proposed amendments following the review of current practice against the policy. The additions to the policy would cover all eventualities and scenarios in relation to an application being dealt with.

The proposed amendments were as followed:

- That applications to renew Dangerous Wild Animals licences are submitted at least two months prior to expiry;
- That any application submitted that upon review is without the appropriate supporting documentation be rejected;
- That any fee submitted for an application that is rejected or withdrawn be refunded minus any costs incurred by the Council in reviewing the application. Such costs will be based on the published hourly Officer rate (currently £50) for business advice/assistance;
- There will be no refunds or partial refunds in the case of applications rejected or withdrawn after an inspection has been carried out.

### **RESOLVED that:**



1. The report be noted.
2. The policy amendment as outlined in the report be approved.

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**COMPOSITION OF PANELS 2020 2021**

The Committee were informed about the composition of Licensing Driver Panel and the Licensing Panels scheduled throughout the 2020/2021 Municipal Year.

**RESOLVED** that the composition of Panels for the 2020/2021 Municipal year be agreed and the dates of future meetings be noted.

The meeting started at 9.30 am and ended at 11.33 am

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## **Licensing Committee**

### **Adoption of Revised Licensing Act 2003 Policy**

#### **Report of Executive Member for Neighbourhoods & Culture**

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

2<sup>nd</sup> March 2021

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#### **Executive Summary**

This report requests that Members endorse the proposed Licensing Act 2003 policy which is required to be approved by a meeting of Council.

#### **Recommendations**

That Members:

- 1) Note the report; and
- 2) Endorse its adoption by Council.

**Adoption of Revised Licensing Act 2003 Policy**

**1. Purpose of the report**

- 1.1 This report requests that Members consider the attached proposed Statement of Licensing Policy as it continues its passage to Council in due course.

**2. Introduction**

- 2.1 The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate.

- 2.2 The Act is the primary piece of legislation that regulates the alcohol, entertainment and late-night refreshment industry. It is underpinned by four licensing objectives for which consideration must be given by operators and regulators alike. They are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety; and
- The Protection of children from harm

- 2.3 Failure to achieve this balance could lead the policy to being, both overly prescriptive and open to challenge, or alternatively though a failure to effectively promote the licensing objectives, ineffective to the needs of those adversely affected by licensable activities.

**3. Proposed changes to the Policy**

- 3.1 There are several updates being proposed which are highlighted in red in the proposed policy attached at Appendix 1. The changes cover:

- Protection of children from harm
- Child Sexual Exploitation and Child Criminal Exploitation
- Alcohol delivery services
- Boxing
- Public Health
- Pavement licences

**4 Legal Services Comments**

- 4.1 Every five years the Council must determine its policy with respect to the exercise of its licensing functions and publish a Statement of Licensing Policy. The draft policy

complies with the guidance issued under Section 182 of the Licensing Act 2003. (A. Evans)

**5 Co-operative Agenda**

5.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

**6 Environmental and Health & Safety Implications**

6.1 None

**7 Equality, community cohesion and crime implications**

7.1 None

**8 Equality Impact Assessment Completed?**

8.1 Yes

**9 Key Decision**

9.1 No

**10 Key Decision Reference**

10.1 N/A

**11 Background Papers**

11.1 None

**12.0 Appendices**

12.1 Appendix 1 – Proposed Policy

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# Licensing Policy

## Alcohol, Entertainment and Late Night Refreshment





# **Proposed Licensing Act Policy 2021 - 2026**

**Alterations and additions to the current policy are highlighted in red**

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## Introduction to Oldham

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 many 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.

The Oldham Partnership is made up of public, private, community, voluntary and faith organisations in Oldham. They have created the Oldham Plan, a collective statement explaining how we can work together to help our people, businesses and communities. There are three strands to the current Oldham Plan, which are:

1. Inclusive Economy - We want to Oldham to be a place where everyone has a fair and real chance to improve their own lives.
2. Co-operative Services - We want to have the best public services in Greater Manchester that work together to improve ways of living for our residents.
3. Thriving Communities - We want local people and communities to be healthy, happy and able to make positive choices as well as offering and accessing support when needed.

Since the arrival of the Metrolink, accessibility to the borough, in particular the Town Centre, has been radically improved, making Oldham a more accessible 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;
- Oldham Council's - £100 million capital programme;
- The Council's purchase of the Town Square and Spindles Shopping Centre;
- The re-location of the indoor market to create a new linear park.

# 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 xxxx 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 October and December 2020; 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.

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.

7.9 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.

7.10 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;

7.11 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.

7.12 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 protection of children from harm is a national licensing objective. The term “Children” refers to all babies, children and any young people i.e. from birth till their 18th birthday. Although the licensing act uses the words “child protection” or “protecting children from harm” it relates to safeguarding children and young people in its widest sense. Likewise, it is not only associated with the sale of alcohol to children but can include Sexual Exploitation and Criminal Exploitation
- 9.2 The Government state that everyone working in an environment where there may be children present should safeguard and promote the well-being of children. To do this all adults must follow the Government Guidance published by the DfES (Department for Education and Skills) “What To Do If You’re Worried A Child Is Being Abused” The publication can be attained from the DfE website:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419604/What\\_to\\_do\\_if\\_you\\_re\\_worried\\_a\\_child\\_is\\_being\\_abused.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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;
- 9.8 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.
- 9.9 No conditions will be imposed to the effect that children must be admitted to licensed premises.
- 9.10 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;
- 9.11 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.
- 9.12 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.

- 9.13 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.
- 9.14 Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times.
- 9.15 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.
- 9.16 Premises should check with the Licensing Authority for the availability of free resources relating to 'Challenge 25'.

### Do-You-Pass training

- 9.17 Please see sections 11.8 of this policy for information relating to the do-you-pass training module.

### Children and Entertainment

- 9.18 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.
- 9.19 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.

- 9.20 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.

- 9.21 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.

- 9.22 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
- 9.23 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.

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. Child Sexual Exploitation (CSE)

- 10.1 Alcohol is 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. The use of harmful or illicit substances (drugs) can also be a factor in CSE, as young people may be encouraged, coerced or feel they have no choice but to engage in drug use to then become involved in activities that they would not ordinarily do so. Whilst indicators for child sexual exploitation can sometimes be mistaken for 'normal adolescent behaviours'; if a child feels they have no other meaningful choice, are under the influence of alcohol or drugs or fearful of what may happen if they do not comply, then they cannot legally consent to the activity being asked of them.
- 10.2 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.
- 10.3 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. The risks vary depending on the style and character of the business but premises can be involved in the following ways:
  - If an adult venue (night clubs or sex entertainment venue) is frequented by underage customers this can attract

perpetrators; or if a premises (or event) hosts under 18 events or mixed age activities;

- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired;
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children;
- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens);
- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders);
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation.
- Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
- Ensure any transport/taxi provisions that are outside of a venue are a locally sourced transport link, easily identifiable and, preferably, a booked provision.
- Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.

## 11. Child Criminal Exploitation (CCE)

11.1 Alcohol and drugs can also feature strongly in Child Criminal Exploitation (CCE); criminal exploitation includes County Lines but also includes children being coerced and manipulated into criminal activity, such as to courier drugs and money. Children and young people can be recruited through deception, intimidation, violence, debt and/or grooming. It is understood that children and young people are utilised in the dealing of drugs as the children/young people are a relatively inexpensive resource and can be easily controlled. Evidence can be found that criminal exploitation of children and young people can be found in licensed premises as the children and young people are encouraged to sell drugs in these settings, at entertainment functions, in toilet areas or darkened areas that facilitate music and dancing.

11.2 The licensing authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child criminal exploitation and to understand that the exploitation of a child is a crime and that the child may well be fearful of repercussions and is not in a position to say no.
- To raise the awareness of their staff about child criminal exploitation and provide intelligence for the appropriate authorities about concerns, including perpetrators (gangs, drug dealers) who may be operating in their areas.

## 12. Selling Alcohol Responsibly

### Drinks Promotions

- 12.1 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)
- 12.2 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.
- 12.3 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.
- 12.4 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.

- 12.5 By addresses the naming, marketing and promotion of alcohol products, the Code is seen as an important mechanism in protecting children from harm.
- 12.6 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'.
- 12.7 The Authority will not use the Licensing Policy to control prices or hinder free and fair competition in licensed trade.

### Do-You-Pass Training

- 12.8 The 'Do-You-Pass' training module is part of the 'Trading Standards Institutes' ('TSI') fair trading award.
- 12.9 The training is delivered by TSI accredited trainers in a two-and-a-half hour session, which includes a short examination, assessed and certificated by the TSI.
- 12.10 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;

12.11 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.

12.12 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.

## Written and Spoken English

12.13 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.

12.14 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

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

12.16 The sale of beer, wine or cider with an ABV of 6% or above is discouraged. Where there are concerns about the sale of high strength alcohol in certain areas of the Borough the

Licensing Authority may seek to impose a condition on a premises licence to restrict the sale of such alcohol.

12.17 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.

## Alcohol Delivery Services

12.18 The Licensing Authority is aware of the increase in alcohol delivery services, not just from supermarkets but from specialist alcohol retailers or food delivery outlets.

12.19 Such business, whilst many are operated very well, can cause concern due to their method of operation and applicants should consider very carefully how they promote the licensing objectives, particularly the protection of children from harm. The sale or delivery of alcohol to children should be avoided at all cost and practices put into place to ensure alcohol does not get into the hands of children. A strict Challenge 25 scheme should be put into place and a strong training programme on under age sales deliveries.

## 13. Opening Hours

13.1 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.

13.2 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.



- 13.3 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.
- 13.4 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'.
- 13.5 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.
- 13.6 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).
- 13.7 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.

- 13.8 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.

## 14. Cumulative Impact

- 14.1 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.
- 14.2 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;
- 14.3 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.
- 14.4 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.
- 14.5 At this time Oldham Council has no Cumulative Impact policy in place.
- 14.6 Should the Council look to introduce such a policy, consultation will take place in accordance with any relevant legislation and / or statutory guidance.
- 15.3 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;
- 15.4 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.
- 15.5 The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Greater Manchester Police.
- 15.6 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.

## 15. Late Night Levy

- 15.1 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.
- 15.2 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.
- 15.7 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.

## 16. Early Morning Alcohol Restriction Orders

- 16.1 The power to make, vary or revoke an Early Morning Alcohol Restriction Order ('EMRO') 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'.
- 16.2 An EMRO 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.
- 16.3 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 anti-social behaviour which is not directly attributable to specific premises.
- 16.4 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 EMRO may be considered as a possible solution.
- 16.5 It is likely that any request for an EMRO, 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 EMRO may originate from the Council its-self, a District Partnership, Public Health or Residents Associations.
- 16.6 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMRO. Should this change during the life of this policy then a designated procedure would be applied to determine if an EMARO is appropriate.

## 17. Alcohol in Public Places

- 17.1 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.
- 17.2 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.

## 18. Live Music and Entertainment

- 18.1 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.
- 18.2 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.
- 18.3 A number of public spaces within the Borough have been granted a licence for, amongst other things, the provision of regulated entertainment. For a list of these spaces please see the Council's website [www.oldham.gov.uk](http://www.oldham.gov.uk)
- 18.4 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.
- 18.5 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

- 18.6 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.

## 19. Boxing

- 19.1 The rise in popularity of White Collar Boxing has encouraged the Council to provide guidance on the Licensing Authority's expectations for any boxing promoters to consider as measures for their operating schedule.
- 18.2 The following is guidance for organisers of boxing events in the Oldham Council area regarding the issues that should be included in a risk assessment:
- Full contact details of the organisers and other parties involved in the event;
  - The medical cover that will be provided at this event. Will there be a Registered Doctor and a Paramedic provided as a minimum? Has the facility of providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided;
  - The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.;

- How boxers will be matched up for the event. All boxers will be expected to be evenly matched and be in the same weight category;
- Details of the ring set up and who will be carrying this out;
- The numbers of referees and judges taking part in the event;
- The type and weight of boxing gloves that will be used by the boxers and how these will be inspected;
- What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties;
- Details of the Personal Protective Equipment that will be worn by boxers;
- Actions that will be taken in an emergency and how parties will communicate;
- Site checks that will be completed prior to the event taking place.

## 20. Event Notification

- 20.1 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.
- 20.2 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;
- 20.3 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)

- 20.4 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.

## 21. Public Health

- 21.1 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.
- 21.2 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.
- 21.3 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.
- 21.4 Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function under the Act to promote the licensing objectives. Local Health

Bodies potentially have access to much data that can inform licensing decisions and policy. When such data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub-Committee in reaching its decision.

- 21.5 The licensing authority recognises the impact of alcohol misuse in Oldham and it is hoped that through the implementation of this licensing policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children; this will impact positively on a reduction in child alcohol related health problems.
- 21.6 The health of our population and the customers of licensed premises is very important. Premises are expected to follow guidance and comply with legislation in relation to any public health issues that may arise at local or national level.

## 22. Operating Schedule

- 22.1 An Operating Schedule must be submitted as part of the application for a licence application and 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.
- 22.2 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.

## 23. Adult Entertainment

- 23.1 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 [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing)
- 23.2 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.

## 24. Conditions

- 24.1 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 or from a localised Greater Manchester pool of conditions which can be used for reference and can be found at Appendix 1 of this policy.
- 24.2 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.
- 24.3 Within the conditions attached at Appendix 1 of this policy is a section referring to counter terrorism conditions on licences. Applicants are suggested to consider whether their venue would benefit from the additional protection and awareness of



counter terrorism measures which include staff training and vulnerability assessments.

## 25. Integration of Policies and Avoidance of Duplication

- 25.1 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.
- 25.2 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.
- 25.3 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.
- 25.4 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.

## 26. Planning

- 26.1 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.
- 26.2 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.
- 26.3 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.
- 26.4 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.

## 27. Compliance and Enforcement

- 27.1 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'.
- 27.2 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.
- 27.3 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.

27.4 The Authority continually reviews its regulation practice and will ensure implementation of best practice as delivered from time to time by guidance or legislation.

27.5 Failure to pay an annual fee following a reminder will result in the suspension of the premises licence until such time that the annual fee is paid in full.

## 28. Pavement Licences

28.1 The Council will accept and consider any application submitted for a pavement licence accompanied by the relevant fee and supporting documents required by them.

28.2 Consultation will take place with the Highways Department and other agencies such as the Police and Environmental Health that may be necessary to consider the effects of granting a licence.

## 29. Processing of Applications and Representations

29.1 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.

29.2 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.

29.3 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).

29.4 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;
- local Safeguarding Board
- Public Health Teams; and
- the weights and measures authority.



- 29.5 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.
- 29.6 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.
- 29.7 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.
- 29.8 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.
- 29.9 The Licensing Authority welcomes an early opportunity to discuss applications before their submission. At that stage the business model and operation of the business can be discussed and advice given on other wider support the Council can give can be provided.
- 29.10 In addition, Responsible Authorities can be brought into the discussions so applicants can understand any early concerns and table any questions.
- 29.11 The licensing Authority also provides a paid for pre application advice service where the Authority, following discussion, will put together an application and operating schedule with applicants who may have otherwise have struggled to follow the process. This can include drafting public and newspaper notices and serving copies of the application on responsible authorities electronically as provided for under Regulations.

## 30. Immigration Act 2016

30.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

30.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

30.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer

premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and

- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

30.4 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003. The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Greater Manchester Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.

## 31. Contact Details

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

Authority / Organisation

Address

Public Health Team

Oldham Council

Level 4  
Civic Centre  
PO Box 30  
West Street  
Oldham  
OL1 1UQ  
Phone: 0161 770 1641  
[publichealthteam@oldham.gov.uk](mailto:publichealthteam@oldham.gov.uk)

Oldham Safeguarding Children  
Partnership

Rock Street Centre  
Rock Street  
Oldham  
OL1 3UJ  
Phone: 0161 770 8096

## **Licensing Act 2003 Model Conditions**

### **Counter Terrorism**

1. At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises and all on-duty managers must have completed ACT:Awareness training. In addition, a minimum of 1 on-duty manager must also have completed the ACT:Operational or ACT:Strategic training.
2. The Designated Premises Supervisor must complete the ACT:Awareness training and ACT:Operational or ACT:Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.
3. Within 28 days of the grant or variation of the licence, a documented security vulnerability assessment, which must incorporate counter terrorism measures, must be undertaken for the premises to include all areas in which licensable activities takes place and which the public will have access and/or transit through. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
4. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security vulnerability assessment and take promptly such steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Manchester City Council.
5. Within 28 days of the grant or variation of the licence, the premises must have a documented counter-terrorism plan, which sets out counter measures to be implemented in response to a terrorist attack, through the principles of 'Guide', 'Shelter' and 'Communicate'-
  - Guide – Direct people towards the most appropriate location (in vacuaction, evacuation, hide)
  - Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours
  - Communicate – Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

### **Admission and control of entry**

6. The designated queuing area shall be enclosed within appropriate barriers and ensure that a minimum width of 1.8m [or specify if greater] is maintained on the footway to allow safe passage by pedestrians.

7. An ID scanning system approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.
8. All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
9. No patron shall be admitted or readmitted to the premises [after XX:XX hours] unless they have [passed through a metal detecting search arch] [been searched using hand-held electronic search wands] and, if the search equipment is activated, have been physically searched in accordance with a procedure agreed with Greater Manchester Police, which must include a 'pat down search' and a full bag search. Search equipment must be kept in working order.
10. No customer will be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
11. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
12. No more than [insert number] customers will be permitted on the premises at any one time.
13. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place.

#### **Door supervisors**

14. Door supervision must be provided on (specify days / circumstance). Door supervisors must be on duty from [specify hours] and must remain on duty until the premises are closed and all the customers have left.
15. On [specify days/hours], at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].
16. Door supervisors shall be employed at the ratio of [XX] door supervisor for every 100 customers (or part thereof).
17. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
  - (i) Size of the venue
  - (ii) Expected attendance
  - (iii) Type of event taking place
  - (iv) Location of the premises
  - (v) Time of year
  - (vi) Special occasion (New Year, Halloween, Local events etc.)
  - (vii) Premises Licence Conditions

18. At least [XX] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
19. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].
20. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
21. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.
22. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
23. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.

### **Bodycams**

24. On [specify days/hours], at least [insert number] of SIA registered door supervisors on duty at [specify location at the premises] [or as shown on the plan] must wear working body cams.
25. All body cams must:
  - (i) be activated by the wearer to record any incident of crime and disorder they witness;
  - (ii) provide a continuous recording loop designed to ensure that relevant information is still captured if the User is unable to immediately activate the recording;
  - (iii) produce an acceptable video recording under street lighting and inside buildings, including low-light conditions
  - (iv) be overt, be pointed correctly to ensure best evidence is captured, and worn so that it will not be obscured by clothing;
  - (v) be capable of clearly recording a conversation between the User and people in close proximity; and be optimised to record speech rather than background noise;
  - (vi) record synchronised video and audio;
  - (vii) employ a wide-angle lens that records a broad scene in full focus;
  - (viii) be securely attached to avoid accidental loss and malicious removal
  - (ix) be equipped with sufficient storage and battery capacity to cover the requirements of a working shift.
  - (x) record in a format viewable in its original format using free software including VLC media player
  - (xi) when transferred off the device, recordings should be preserved in their original format and any metadata retained
  - (xii) must always show the correct time and date in video footage, for evidential continuity



- (xiii) be capable of still capturing video if the microphone malfunctions, and audio is still captured if the camera malfunctions.
- (xiv) not overwrite data once recording capacity is reached.
- 26. A record must be kept of the SIA registration number of the door supervisor and the ID of bodycam worn by them.
- 27. Bodycam images must be stored so that they are retrievable and accessible for replay and viewing, and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days.
- 28. The premises licence holder must ensure there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

## **CCTV**

- 29. The premises licence holder must ensure that:
  - (i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
  - (ii) The system records clear images permitting the identification of individuals.
  - (iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - (iv) The CCTV system operates at all times while the premises are open for licensable activities [or specify timings].
  - (v) All equipment must have a constant and accurate time and date generation.
  - (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - (vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

## **Preventing illegal drug use**

- 30. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated role-holder at business], shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Greater Manchester Police for appropriate disposal.

## **Promotional activity**

- 31. The premises licence holder must submit to [insert contact details for Responsible Authority] a completed risk assessment form as prescribed at least 28 days before any event that is

- (i) carried on by any person not affiliated with the venue; and
  - (ii) promoted / advertised to the public.
32. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at 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.

### **Incident reporting**

33. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details (delete as appropriate):
- (i) All alleged crimes reported to the venue or by the venue to the police
  - (ii) All ejections of patrons
  - (iii) Any complaints received
  - (iv) Any incidents of disorder
  - (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
  - (vi) Any faults in the CCTV system, searching equipment or scanning equipment
  - (vii) Any refusal of the sale of alcohol
  - (viii) Any faults in the CCTV system, searching equipment or scanning equipment
  - (ix) Any visit by a responsible authority or emergency service
  - (x) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

### **Staff training (alcohol & vulnerability welfare)**

- 34a) All staff authorised to sell alcohol shall be trained in (delete as appropriate):
- (i) Relevant age restrictions in respect of products
  - (ii) Prevent underage sales
  - (iii) Prevent proxy sales
  - (iv) Maintain the refusals log
  - (v) Enter sales correctly on the tills so the prompts show as appropriate
  - (vi) Recognising signs of drunkenness and vulnerability
  - (vii) How over service of alcohol impacts on the four objectives of the Licensing Act 2003
  - (viii) How to refuse service

- (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
- (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
- (xi) The conditions in force under this licence.
- 34b) Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.
- 34c) Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

### **Preventing and dealing with drunkenness and vulnerability**

- 35. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
- 36. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.
- 37. A Personal licence Holder must be present at the premises to supervise all sales of alcohol.
- 38. A minimum of [specify] persons must be employed and on duty at the premises between [specify days/hours] who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
- 39. The premises shall provide facilities for customers to securely recharge their mobile phones.

### **Glassware and use of ice fountains / bottle sparklers**

- 40. Drinks must only be served in polycarbonate/plastic containers [on specified days or events] [upon reasonable notice by Greater Manchester Police].
- 41. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers [except for consumption in any delineated external area as shown on the plan attached to the licence].
- 42. Spirit, Champagne and all other glass bottles greater than [70cl] are restricted to customers seated at a [table] [booth] in the delineated area[s] as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle, or be permitted to drink directly from the bottle.
- 43. Ice fountains or similar products (which are classed as HT4 explosives):

- a) Must be kept in their original packaging and only stored in a secure store room or fire-resistant cabinet that the public have no access to. The room/cabinet must be kept locked, except for the depositing or removal of products but must be locked immediately thereafter.
- b) Their use must be risk assessed in advance and appropriate control measure put in place to reduce the risk to staff and customers, which must include (but is not limited to):
  - (i) staff training in their safe use and dispersal
  - (ii) the provision of appropriate first aid training and equipment
  - (iii) suitability of areas of the premises where the products will be used
- c) The risk assessment and control measures identified must be documented, kept on the premises and made available for inspection to a police, fire or authorised officer upon request.

### **Preventing underage sales**

- 44. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.
- 45. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that the Challenge 25 scheme is in operation.
- 46. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
- 47. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

### **Alcohol deliveries**

- 48. The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out (and notify change to this information to the licensing authority within 7 days):
  - (i) The trading name of any company that will operate under the licence
  - (ii) All telephone numbers that will be used to accept orders
  - (iii) The URL/website address that will be used to accept orders.
- 49. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.

50. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

### **Restaurants and takeaways (alcohol)**

51. The premises must only operate as a restaurant:
- (i) in which customers are seated at a table,
  - (ii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
  - (iii) which do not provide any take away service of food or drink for immediate consumption, and
  - (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
52. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal.

### **Restricting alcohol sales in relation to designated special events, eg. football matches**

53. Prior to any [designated special event by Greater Manchester Police] [‘designated sporting event’ (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:
- (i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [special] [sporting] event
  - (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [special] [sporting] event
  - (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [special] [sporting] event
  - (iv) On any day where there is a relevant designated [special] [sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [special] [sporting] event or in the vicinity of the premises as a result of the designated [special] [sporting] event
  - (v) All members of staff working at the premises are informed of this condition prior to taking up employment
  - (vi) On the day of the relevant designated [special] [sporting] event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

## **Use of special effects**

54. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior notice is given to the licensing authority where consent has not previously been given:
- (i) Dry ice and cryogenic fog
  - (ii) Smoke machines and fog generators
  - (iii) Pyrotechnics, including fireworks
  - (iv) Firearms (eg. Blank firing pistols)
  - (v) Lasers
  - (vi) Explosives and highly flammable substances
  - (vii) Real flame
  - (viii) Strobe lighting.

## **Emergencies**

55. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.
56. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
57. All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
58. The premises shall have a minimum 20m rescue throwline available on the premises for emergency use. All on-duty staff (including security) shall be knowledgeable of its location and the manufacturer's instructions for use.

## **Preventing noise and other public nuisances**

59. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
60. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

61. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council].
62. The location and orientation of loudspeakers must be as specified on the attached premises plan.
63. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].
64. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

#### **Deliveries (nuisance)**

65. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.
66. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].
67. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerably without causing any obstruction to the highway.
68. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

#### **Smoking and other external areas**

69. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers will be permitted to remain in the designated smoking area at any one time.
70. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.
71. No more than [insert number] customers will be permitted to enter or remain in [define outdoor area(s)] of the premises at any one time, between the hours of [specify].

#### **Litter and cleansing**

72. At [specify times] [specify areas] outside the premises, including [specify areas] must be swept and/or washed, and litter and sweepings collected and stored [specify storage and collection].
73. All takeaway packaging and wrappers shall clearly identify the premises, i.e.. by way of company logo or name.



- 74. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
- 75. Empty bottles which have been collected must be placed into locked bins when deposited outside.
- 76. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 77. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.

#### **Children on the premises**

- 78. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
- 79. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.
- 80. The licence holder and/or DPS shall ensure that any child performer is licensed with Manchester City Council's Licensing Unit and accompanied by a registered chaperone. Documented records should be kept for six months, including the child's name, their licence number and chaperone details.
- 81. Where children are allowed on the premises, information shall be displayed [location] on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to Oldham Council via its Contact Centre on 0161 770 7777, or the NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.

#### **Late night refreshment**

- 82. Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.
- 83. Between [specify hours from 11pm/days] customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.

#### **Large events**

- 84. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.

#### **Boxing and wrestling (including MMA and other combat sports)**

- 85. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. The Plan must set out (but is not limited to):
  - (i) how fighters will be matched
  - (ii) the measures that will be in place to ensure the safety and welfare of competitors; including medical facilities and qualified staff provision

- (iii) fighter details
- (iv) layout of the venue
- (v) competition rules
- (vi) referee details including qualifications.

### **Adult entertainment**

- 86. The premises may not show R18 films without the benefit of a sex cinema licence.
- 87. No person under the age of 18 will be permitted to enter or remain on the premises when any "relevant entertainment" (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 is taking place.

For reference:

Relevant entertainment is 'Any live performance or any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Display of nudity means in the case of a women - exposure of her nipples, pubic area, genitals or anus; and in the case of a man - exposure of his public area, genitals or anus.

The audience can consist of one person.

### **Dispersal**

- 88. The dispersal of customers from the premises must be managed in accordance with the following:
  - (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
  - (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents
  - (iii) A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease].
  - (iv) A suitable member of staff or a Door Supervisor[s] will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking
  - (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.
- 89. From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of customers and ensure patrons do not contribute to anti-social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket / vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

## **Mandatory Conditions**

<b>Mandatory Condition</b>	<b>Applicable to</b>
<p>No supply of alcohol may be made under the premises licence –</p> <p>(a) at a time where there is no designated premises supervisor in respect of the premises licence, or</p> <p>(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.</p>	<p>Any premises licence or which authorises the sale of alcohol.</p>
<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(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);</p> <p>(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;</p> <p>(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;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</p> <p>(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).</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>
<p>The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>

<p>(i) 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.</p> <p>(ii) 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.</p> <p>(iii) 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.</p> <p>The responsible person must ensure that—</p> <p>(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—</p> <p>(i) beer or cider: 1/2 pint;</p> <p>(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml;</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(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.</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises</p>
<p>(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>(2). For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula—  <math display="block">P = D + (D \times V)</math> where—</p> <p>(i) P is the permitted price,</p> <p>(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</p> <p>(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;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence.</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p>





## **Licensing Committee**

### **Public Health Data Tool in Licensing Decisions**

#### **Report of Executive Member for Neighbourhoods & Culture**

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

2<sup>nd</sup> March 2021

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#### **Executive Summary**

This report requests that Members endorse the use of public health data to assist in decision making in relation to alcohol premises applications under the Licensing Act 2003.

#### **Recommendations**

That Members:

- 1) Note the report; and
- 2) Endorse the use of this data to assist in decision making.



## Public Health Data in Licensing Decisions

### 1. Purpose of the report

- 1.1 This report requests that Members approve the use of public health data to assist in decision making in relation to alcohol premises applications under the Licensing Act 2003.

### 2. Introduction

- 2.1 The Licensing Act 2003 is the primary piece of legislation that regulates the alcohol, entertainment and late-night refreshment industry. It is underpinned by four licensing objectives for which consideration must be given by operators and regulators alike. They are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety; and
- The Protection of children from harm

- 2.2 When premises applications are submitted there is a statutory twenty-eight-day consultation period where representations can be made to the licensing authority. Such representations must be linked to the licensing objectives. These can be submitted by residents, other businesses or organisations and responsible authorities which are defined in law which include:

- Police
- Fire Service
- Environmental Health
- Director of Public Health
- Safeguarding Children Board
- Planning Authority

- 2.3 Since 2013, directors of public health (DsPH) in England have been included in the Licensing Act as responsible authorities. As a responsible authority, the DPH may: <sup>1</sup>

- engage with applicants to negotiate conditions or terms
- make relevant representations on the likely effects of granting a new premises licence or club premises certificate (or a variation of an existing one), on one or more of the licensing objectives

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<sup>1</sup> [Alcohol licensing: a guide for public health teams.](#)

- contribute data to support other responsible authority representations on the likely effects of granting a premises licence or club premises certificate (or a variation of an existing one), on one or more of the licensing objectives

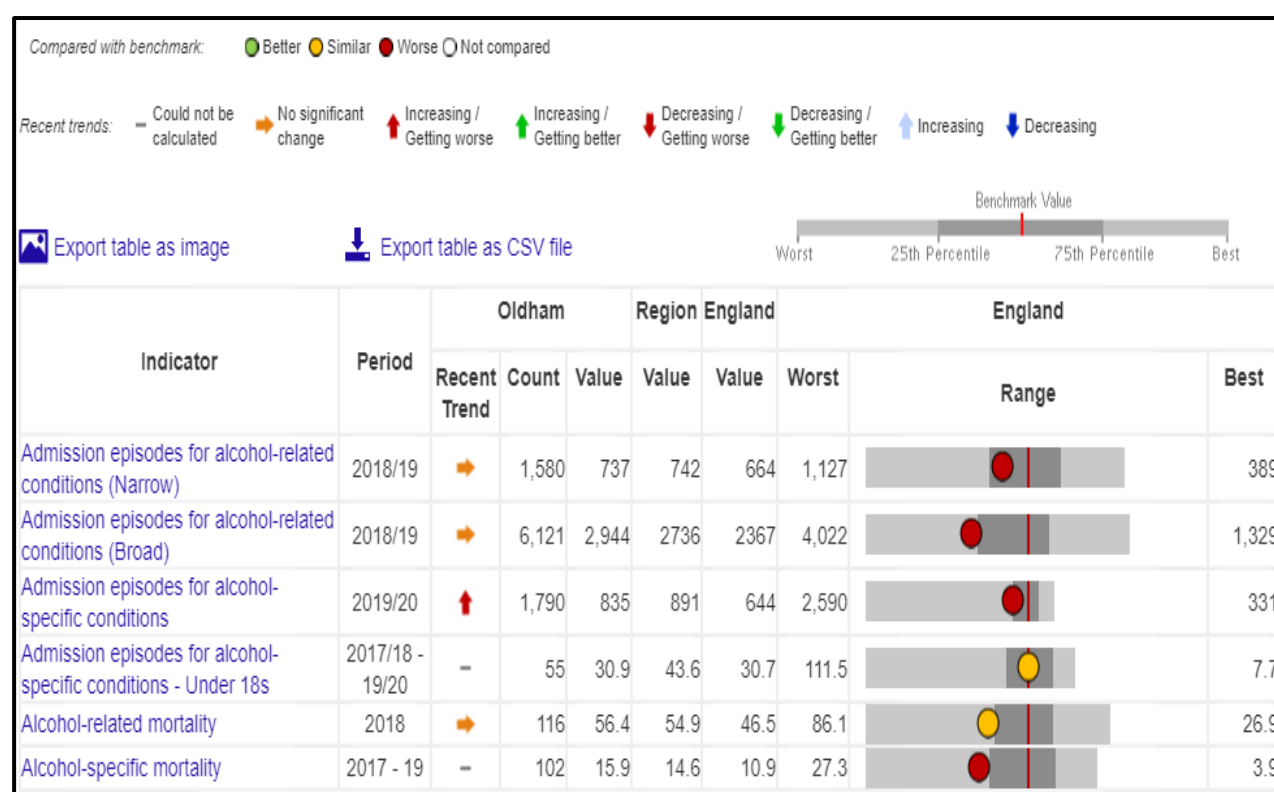
2.4 This data tool is intended to support the DPH for the council in making appropriate input to the licensing process to improve the health of the population.

### 3. Harmful effects of alcohol in Oldham

3.1 Alcohol misuse has deleterious health and social impact on individuals and the local communities. The volume of pure alcohol sold through the off-trade in Oldham in 2014 was 8.3 litres per adult, the 3<sup>rd</sup> highest in the North West after Blackpool and Tameside, and significantly above national average of 5.5 litres per adult.<sup>2</sup>

3.2 Figure 1 shows the public health impact attributable to alcohol misuse. Admissions due to alcohol-related conditions are significantly higher than national average (737 per 100,000 in Oldham compared with 664 per 100,000 in England). Consequently, alcohol-specific deaths are also significantly higher in Oldham (15.9 per 100,000 compared with 10.9 per 100,000 in England).

**Figure 1: Health impact of alcohol misuse in Oldham (source PHE, Local Alcohol Profiles - 2021)**



3.3 The health of our population and the customers of licensed premises is very important. Careful consideration should be given to where licensed premises are situated and the impact one could have to the residents of that community if additional alcohol sales are made available to it.

<sup>2</sup> Public Health England (2021). [Local Alcohol Profiles for England](#)

#### **4. The data tool and its intended use**

4.1 The following data sources have been used to develop the tool:

- Density of Licensed Premises (per 1000 population)
- Alcohol Specific Hospital Admissions (DSR per 100,000 Population)
- Weekend A&E attendances (12:00 – 05:00 AM)
- Alcohol Related Crimes
- Alcohol and Domestic Violence Associated Crimes
- Alcohol Related Anti-Social Behaviour Incidents

4.2 The tool provides a RAG-rated scoring system which highlights areas with potential alcohol-related public health issues for the Director of Public Health to consider and advise on appropriate measures to reduce the impact of licensing on alcohol-related harm

4.3 The measures may include outright objection to the application, requesting amendment to the operating schedule to adjust opening hours, conditions to limit the hours of the sale of alcohol (i.e. late night), not sell high strength alcohol or have stronger conditions.

4.4 The tool will be used by the Licensing department to screen all applications. Where areas are highlighted as potential problem spots, they will be passed onto the Director of Public Health for review and recommendations on appropriate measures to mitigate the potential negative impact on public health.

4.5 An increasing number of local authorities are now using an alcohol toolkit in order to grade and assess applications as they are submitted. By using our local population data on alcohol harm, it provides a standardised objective process for assessing applications.

4.6 The data used will be refreshed annually or more frequently depending on when new datasets relating to the alcohol harm are published. Our overall approach will be reviewed as part of the regular review of local licensing policies every 5 years, or more often if required.

#### **4 Legal Services Comments**

4.1 The Council's Director of Public Health can make representations to the licensing authority about applications relating to new or existing premises licences. (A Evans)

#### **5 Co-operative Agenda**

5.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

#### **6 Environmental and Health & Safety Implications**

6.1 None

#### **7 Equality, community cohesion and crime implications**

7.1 None

#### **8 Equality Impact Assessment Completed?**

8.1 No

9	<b>Key Decision</b>
9.1	No
10	<b>Key Decision Reference</b>
10.1	N/A
11	<b>Background Papers</b>
11.1	None
12.0	<b>Appendices</b>
12.1	None

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