

**BURY COUNCIL
STATEMENT OF LICENSING POLICY
2021-2026**



BURY LICENSING POLICY

Licensing Act 2003

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Please note: Whilst this policy endeavours to reflect the legal requirements of the Licensing Act 2003. The Act rather than the Policy will be the definitive reference source for such requirements.

Ratified by Council on 25th November 2020.

To find out more about any licensing related matter please contact the Licensing Office at Bury Council, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ. Email: licensing@bury.gov.uk

Telephone Number: 0161 253 5208.

i) Glossary

The Act

The Licensing Act 2003 as amended.

Applicant – within the statement of licensing policy may mean applicant, licence holder, club premises certificate holder as appropriate

Designated premises supervisor/DPS

Designated person with day to day control in premises that sell alcohol (specified on the Premises Licence).

NB there is no requirement for a DPS in premises operated through a club premises certificate

Interested Parties

- persons who live, or are involved in a business, in the relevant licensing authority's area
- a member of the relevant licensing authority.

Licensing Authority (the Authority)

Bury Council

Licensing Objectives:

A Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives , these 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.

The Licensing Register

The Licensing Register contains details of all Premises Licences and Club Premises Certificates. The register' is available online at:

<https://licensing.bury.gov.uk/PAforLalpacLIVE/>

Operating schedule

Document prepared by an applicant as an essential part of the application. It will detail the licensable activities to be carried out at the premises, the hours of operation which may be different for different activities, the steps to be taken to support the licensing objectives and where alcohol is sold details of the designated premises supervisor.

Relevant Representations

There are various types of applications that can be made under the Act, and in most cases representations are invited in relation to them. However, to be considered by an Authority they must be 'relevant representations' as defined by the Act.

A 'relevant representation' is one that is made in writing and:

- is about the likely effect of the licence on the promotion of the licensing objectives;
- has been made by a responsible authority, or other person as defined by the Act, within the relevant time period as prescribed by regulation;
- has not been withdrawn; and
- has not been determined by the Licensing Authority as frivolous or vexatious (or repetitious in respect of a review).

Responsible Authorities – bodies defined within the Act as detailed at appendix 1.

Secretary of State’s guidance

Guidance issued under Section 182 of the Act; to which the Licensing Authority must have regard in discharging its duties.

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iii) Consultees

The revised policy is subject to consultation. A full list of consultees can be found at Appendix 11. All consultation responses will be published on the Bury Council website and available from the Licensing Service by emailing licensing@bury.gov.uk

The act requires the Council to consult various bodies, to meet that requirement; the following Responsible Authorities have been consulted:

- the Chief Officer of Greater Manchester Police;
- the Fire Authority Greater Manchester Fire and Rescue Service
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council’s Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health;
- the local Planning Authority;
- the Public Health Authority;
- the Council’s Trading Standards Team (Chief Inspector of Weights & Measures)

- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated Further to the minimum requirement's around consultation.

The Council also consulted representatives of holders of premises licences, club premises certificates, businesses and residents in the Borough.

A public consultation for a 6 week period was also carried out and full details of the proposed changes to the policy will be published on Bury Council's website, All replies received to the consultation will be considered before the policy is finalised and approved.

1.1 Introduction

The Licensing Act 2003 requires the Authority in respect of each 5 year period to determine and publish a statement of licensing policy with respect to the exercise of its licensing functions. The Act requires the Authority to consult various bodies before determining and reviewing the policy. Reviews will be conducted using the same process as the original consultation.

Bury Council is the Licensing Authority (the Authority) for the licensing of licensable activities under the provisions of the Licensing Act 2003 (the Act). Appendix 2 identifies the delegation of functions within the Authority.

1.2 Scope of The Policy

This policy relates to the licensable activities as defined by the Act:

- a) Retail sales of alcohol.
- b) The supply of alcohol by or on behalf of a club.
- c) Providing the following regulated entertainment in the presence of an audience.
 - i) Performance of a play
 - ii) Exhibition of a film
 - iii) An indoor sporting event
 - iv) Boxing or wrestling entertainment
 - v) Performance of live music
 - vi) Playing of recorded music (excluding incidental music)
 - vii) A performance of dance
 - viii) Entertainment of a similar description to that falling within v), vi) and vii).
- d) Providing late night hot refreshment at any time between 11pm and 5am for consumption on or off the premises.

1.2.1 In undertaking its licensing functions, the Council will be mindful of other legislation which may impact on the promotion of the licensing objectives, for example:

- Crime and Disorder Act 1998 in particular Section 17
- Environmental Protection Act 1990 (as amended);
- Noise Act 1996;
- Anti-social Behaviour, Crime and Policing Act 2014
- Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issued fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am);
- Violent Crime Reduction Act 2006
- Police and Crime Act 2009
- Police Reform and Social Responsibility Act 2011
- Health Act 2006
- European Union Services Directive.
- De-regulation Act 2015
- Health Protection Regulation e.g. Coronavirus Act 2020
- The Health & Safety at Work Act etc. 1974
- The Regulatory Reform (Fire Safety) Order 2004

- The Equalities Act 2010
- Human Rights Act 1998
- Safety of Sports Grounds Act 1975
- Town and Country Planning Act 1990
- Planning & Compulsory Purchase Act 2004

The Authority will not attempt to regulate matters that are provided for in other legislation through its licensing functions.

The policy cannot detail every factor that influences the achievement of the licensing objectives nor can it detail all the control measures that may be appropriate. Individual applicants and licence holders must consider the licensing objectives and control measures with regard to the particular nature of their business. Additional opportunities for licensable activities must be matched by appropriate and proportional measures to support the licensing objectives.

The Authority will aim to secure the proper integration of the licensing policy with other Council and Government strategies and policies so far as they impact on the licensing objectives.

The policy is designed to deal with matters within the control of the licence/club certificate holder on and in the vicinity of their premises. It is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee or licensed premises

Whilst the policy is prepared for the Authority's area it will also take account of the position in adjoining Authorities where common boundaries are relevant in licensing terms.

In some cases additional licences may be required under separate legislation, for example sexual entertainment venues, civil marriage venues and Performing Rights Society permissions.

General advice on organising events is available on the Council's Website: www.bury.gov.uk Bury council has a corporate events group which considers events holistically.

2.0 Implementation of the Policy

This policy will come into force on 7th January 2021, and will remain in force for a period not exceeding five years, and will be subject to review and further consultation before 7th January 2026. During each five year period the Authority will keep the policy under review making amendments as it considers appropriate to support the licensing objectives.

3.0 Purpose of the Policy

3.1 The Act provides a clear focus on the promotion of four statutory licensing objectives.

The Licensing Authority must have regard to these four objectives when undertaking its various licensing functions and must ensure that they are promoted.

The four licensing objectives are:

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

3.2 Each objective is of equal importance and they are the only matters that the Licensing Authority is permitted to have regard to when making determination on licensing applications.

3.3 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe, healthy and sustainable environment to live and work, and the importance of well-run entertainment premises to the local economy and vibrancy of the Borough.

3.4 The Council is committed to partnership working with the Police, fire service, local businesses, licensing trade, local people and those involved in child protection towards the promotion of the common objectives as set out in this policy.

3.5 The policy aims to strike a balance between the safety and amenity of residents, visitors, businesses and those working or engaged in normal activity in and around the Borough. It seeks to support the Borough as a desirable destination for the widest range of user groups. In embracing a vision for the development of a successful and vibrant night time and evening economies it will encourage an entertainment and cultural offer with a diverse range of activity rather than premises focused mainly or exclusively on the sale of alcohol. The policy and seeks to support the philosophy of Purple Flag.

3.6 This policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions.
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough.
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions

- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives.
 - 5) To assist the courts with decisions made by the Council when these decisions are challenged in a court of law.
- 3.7 The Act has created a number of licensable activities for which it will be the responsibility of this Authority to accept applications, issue relevant licences and to enforce the requirements of the Act in relation to those activities, in line with the four licensing objectives.

4.0 Authority Profile

- 4.1 The Authority is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 190,100 (of which c. 170k are over 18) it occupies an area of 9,919 hectares and is based on the 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich. The evening economy operates predominately around Bury Town Centre. Bury was the first Borough in Greater Manchester to receive Purple Flag status to recognise the vibrant and safe night time economy and in January 2020 received this accreditation for the fifth successive year.
- 4.2 The Authority currently licenses:
488 Premises Licences with Alcohol
116 Premises without Alcohol
48 Club Premises Certificate
2501 Personal licences



- 4.3 It is now ten years since The Rock development was opened in Bury which doubled the retail floor space of the town centre, providing a mix of retail, leisure, office space and residential. The mixed use approach recognises the changing nature of town centre settings, from being retail dominated to being a place where people seek experiences.
- 4.4 In 2020 Bury became the inaugural Greater Manchester Town of Culture. The accolade recognised Bury's rich cultural offer, including the Cultural Quarter made up of Bury Art Museum, The Fusilier Museum, the Victoria Wood statue, the East Lancashire Railway and the award winning Met Theatre. These venues boost the local day and night time economy, entertaining locals and attracting visitors to the Borough; whilst a vibrant community events programme celebrates Bury's tapestry of cultures across the Borough, from Prestwich Arts Festival to Black Pudding Throwing in Ramsbottom.
- 4.5 The Authority recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. The Authority wishes to encourage licensees to provide a wide range of entertainment activities within the borough throughout their opening hours

and to promote all types of live music, dance, singing, theatre etc. including street art, for the wider cultural benefit of the community. Landowners within the Borough will be encouraged to licence publicly accessible open spaces for appropriate activities.

- 4.6 Council parks currently licensed for entertainment within Bury are:
- Whitehead Memorial Gardens, Bury
 - Clarence Park and Miss Walker's Fields, Bury
 - Nuttall Park, Ramsbottom
 - St Mary's Park (playing fields), Prestwich
 - Openshaw Park, Bury
 - Hoyles Park, Bury
 - Close Park, Radcliffe
- 4.7 Bury is well-connected north-to-south, with the Metrolink having stations in Bury, Radcliffe, Whitefield, Besses and Prestwich connecting into Manchester and the wider region, whilst bus connections connect the Borough with Bolton and Rochdale. The East Lancashire Railway also has stations in Burrs Country Park and Ramsbottom as well as linking with Heywood and up into South Lancashire.
- 4.8 During spring 2020, The Met became the home of live music across the North through hosting United We Stream in conjunction with the Greater Manchester Combined Authority, streaming live entertainment in Covid secure conditions to keep people entertained whilst supporting the local cultural and creative economy.
- 4.9 To support Covid recovery, Town Centre boards have been established in each of the Borough's town centre, to support local businesses and organisations make the centres Covid secure and encourage the safe return and reuse of such places.
- 4.10 The East Lancashire Railway provides a tourism base on the station towns of Bury and Ramsbottom and a link to the neighbouring borough of Rochdale at Heywood station. Bury also has a bus/ metro interchange which provides links strong links to other neighbouring areas.

5.0 Applications

5.1 When considering an application, the Licensing Authority will have regard to:

- The Licensing Act 2003 and relevant regulations;
- Government guidance issued under section 182 of the Licensing Act 2003;
- Any supporting regulations (as may be issued and/or amended by the Secretary of State from time to time); and
- This Statement of Licensing policy. Applicants should also have regard to these documents when preparing their application.

5.2 The Licensing Process

5.2.1 The Authority will be prepared to discuss an application with an applicant prior to formal submission and in the event of an application attracting representations facilitate discussion between the various parties.

5.2.2 The Authority will expect applicants to address all the Licensing Objectives in their Operating Schedules, having regard to the type of premises, the licensable activities proposed, the operational procedures, the nature of the location and the needs of the local community

5.2.3 The processing of applications by the Authority is controlled by a strict timetable. To ensure the Authority meets that timetable the Authority will not accept an application unless it is complete in all respects at the time of submission.

5.2.4 An application for a premises licence must be made in the prescribed form to the Council. The application must be accompanied by:

- the required fee;
- an operating schedule (see below);
- a plan of the premises in a prescribed form to which the application relates; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor.

5.2.5 An application will only be deemed to be 'received' once all the required supporting information has been received

5.2.6 Each application will be considered individually on its own merits. This policy does not undermine the rights of any person to make an application under the Act for a variety of permissions or the right of any person to make representations or seek a review of a licence or certificate where the Act permits this.

5.2.7 Applications relating to premises will be made by a person who is, or who proposes to be carrying on the business involving the use of the premises. A person can include a company.

- 5.2.8 All applications for licences and variations of licences are subject to a consultation process, the following will be consulted:
- Responsible Authorities
 - Ward Councillors;
 - Ward Councillors of adjoining wards if premises are adjacent to ward boundaries
 - Neighbouring Boroughs should the premises be adjacent to a Borough boundary;
 - Appropriate Council departments;
 - Any other group the Council considers appropriate;
- 5.2.9 The applicant for any premises licence is responsible for placing an advertisement at the premises and in a local newspaper, the Council will advertise the application on the Council website. The law requires that the notice on the premises must be on pale blue paper of at least A4 in size, the writing must be of font size 16 or equivalent and that it must be clearly visible from the outside of the premises.
- 5.2.10 The newspaper advertisement must appear in a local newspaper circulating in the area within 10 working days starting the day after submission of the application to this authority.
At the end of the consultation process, the application will be determined.
- 5.3 If no representations have been made, then an officer of the Council will determine the application under delegated authority and the licence will be granted in line with the application and operating schedule.
- 5.3.1 If there are representations, the application will be determined by the Licensing and Safety Panel via a Licensing Hearing.
- 5.3.2 The Council may consider representations based on the impact of the promotion of the licensing objectives in the Borough generally, and on the grant of the particular application before them.
- 5.3.3 Where representations are made to a particular application, either from a responsible authority about a proposed operating schedule or from an "other person" that relates to the licensing objectives, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.
- 5.3.4 In all cases, applicants and those making representation in respect of applications made to the licensing authority have a right of appeal to the Magistrates' Court against the decisions of the Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the licensing authority.
- 5.4 Guidance is available for applicants, which sets out the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures.

- 5.4.1 It should be noted that incomplete applications will not be accepted but will be returned with an explanation as to why it is incomplete.
- 5.4.2 Guidance is equally available for those wishing to make representation or to call a review of an existing licence.

6.0 Other Premise Type Licences

- 6.1 In addition to what may be described as traditional licensed premises, a licence may be required for public spaces, buildings such as community halls, parks and other open places. The Authority will support the owners of such spaces, including the Council, where appropriate. Licensable activities, carried on by many different organisations can then simply take place with the permission of the licence holder.
- 6.2 The Authority will consider applications from community premises e.g. church hall, chapel hall, village and parish hall or other similar buildings to remove the requirement needing a designated premises supervisor with a personal licence to sell alcohol.
- 6.3 If a Premises Licence authorises the retail sale of alcohol, there is a requirement to have a designated premises supervisor, the individual who is named as the designated premises supervisor has to hold a personal alcohol licence. A personal alcohol licence permits the holder of such a licence to authorise the retail sale of alcohol.

7.0 Late Night Refreshment Outlets

- 7.1 The Authority will expect the applicant to have considered a variety of control measures which will:-
- Promote community safety
 - Reduce the impact of dispersing customers within the local community
 - Promote better management of the premises
 - How they will reduce incidents of public disorder, violence and anti-social behaviour
 - Encourage health and Safety and welfare of both staff and customers

8.0 Club Premises Certificates

- 8.1 The supply of alcohol, and provision of other licensable activities on qualifying club premises, is authorised by way of a club premises certificate. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:
- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
 - the absence of a requirement to specify a designated premises supervisor;

- more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
- the club premises not being subject to police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice or premises licence) because they operate under their codes of discipline and rules which are rigorously enforced; and
- not being subject to potential orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.

8.2 The arrangements for applying for, or seeking to vary, club premises certificates are similar to those in respect of a premises licence. Operating Schedules must include the steps the club intends to take to promote the licensing objectives.

8.3 The Act recognises that premises, to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason, it preserves aspects of earlier alcohol licensing law as it applied to "registered members clubs". These clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation for supply in that context.

8.4 Clubs traditionally have not been licensed because alcohol is supplied rather than sold to members.

8.5 The new authority for the supply of alcohol, and provision of other licensable activities on qualifying club premises, is a club premises certificate and this is issued by the Licensing Authority.

8.6 These will be translated into conditions included in the certificate, unless the conditions have been modified by the Authority, following consideration of relevant representations.

8.7 The legislation detailing the statutory qualifying conditions for clubs is provided at Appendix 6.

9.0 Temporary Events Notices (TENS)

9.1 If a licensable activity is planned to take place on non-licensed premises, the organiser can submit a Temporary Events Notice (TEN). A TEN can also be used to include additional licensable activities or alter the hours of operation on licensed premises.

9.1.2 They can cover any period up to 168 hours.

9.1.3 A TEN has to be served on the Police and the Licensing Authority at least 10 working days prior to commencement of the event, a longer period is preferable wherever possible.

- 9.1.4 There is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least 10 working days away and there must be at least 24 hours between events.
- 9.1.5 Only the Police and Environmental Health can object to a TEN.
- 9.1.6 Standard TENs must be given a minimum of 10 working days prior to the first day of the event, and the Licensing Authority recommend that wherever possible notice-givers submit their TEN a minimum of 28 days prior to the commencement of the event.
- 9.1.6 There is provision for making an application for a late TEN. Such applications may be made no earlier than 9 working days before the event and no less than 5 working days before the event. The Licensing Authority understands this to mean 9 or 5 clear days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.
- 9.2 Where one or more of the relevant statutory limits are exceeded, the Licensing Authority will serve a Counter-Notice to prevent the licensable activities from going ahead. There is no provision under the Act to appeal against the issue of a Counter-Notice.
- 9.3 Greater Manchester Police or the Council's Environmental Health service can issue an objection notice.
- 9.3.1 The Licensing Authority will consider any such notice at a hearing (unless the objection notice is withdrawn before the hearing date). The hearing will be confined to consideration of the crime and disorder objective and will be held in accordance with the procedure.
- 9.3.2 There is no provision for a hearing in the case of a late TEN.
- 9.3.3 The Licensing Authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the temporary event notice.
- 9.3.4 Depending on the nature and location of such events, these can have serious crime and disorder implications. Whilst accepting that the statutory notification period is a minimum of 10 days organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Authority to work with them to identify and reduce the risk of crime and disorder.

10.0 Personal Licences

- 10.1 The Authority recognises it has very little discretion regarding the granting of personal licences. In general, provided an applicant has a qualification determined by the Home Office and does not have certain criminal convictions, the application must be granted.

- 10.1.1 A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the police and relevant authorities in the fight against crime. Granting a licence to a person with a criminal history may in some cases undermine rather than promote the crime prevention objective.
- 10.2 If an applicant has a relevant conviction the police can oppose the application.
- 10.2.1 If an objection is lodged by the police, a hearing of the Authority's Licensing Panel will be held. The Authority will consider carefully whether the grant of the licence will be in conflict with the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.
- 10.2.2 The Authority will only grant the application if it is satisfied that doing so will promote this objective. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a person with a criminal history may in some cases undermine rather than promote the crime prevention objective.
- 10.2.3 Through the Operating Schedule the Authority will expect assurances on the accessibility of the personal licence holders and designated premises supervisors.

11.0 Designated Premises Supervisors

- 11.1 Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the Designated Premises Supervisor (DPS).
- 11.2 Responsible Authorities will typically look to develop constructive working relationships with DPS and the licensing authority expects that this is reciprocated to promote effective partnership working relations with the trade.
- 11.3 The Guidance to the Licensing Act states: 'the designated premises supervisor is the key person who will usually be charged with day-to-day management of the premises including the prevention of disorder.' The licensing authority will not normally impose conditions related to the management competency of DPS's, save where it is considered appropriate that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.
- 11.4 In exceptional circumstances, the police may object to the appointment of an individual as a DPS For example where they have a criminal record.
- 11.5 Where, following an objection by the police, the licensing authority is satisfied that the appointment of a person as a DPS would undermine the crime prevention licensing objective, the policy is to refuse the appointment

or to remove them as the DPS in circumstances where they are already in post

12.0 Provisional Statements

- 12.1 The Authority recognises that in certain situations businesses and developers need to have security that a premises licence is likely to be granted following construction or alteration of unlicensed premises. The Authority will issue provisional statements in accordance with the Act and guidance.

13.0 Operating Schedule

- 13.1 The Operating Schedule is a major part of the application process; it should detail the steps which an applicant intends to take to promote the licensing objectives. Applicants are encouraged to undertake a risk assessment process in preparing an application which may cover the premises layout, construction and design, the licensable events and activities to be undertaken, control measures and the anticipated customer profile. Applicants are expected to include positive proposals in their application on how they will manage potential risks.
- 13.2 Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), in appropriate cases it would consider such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of changing circumstances/conditions at the premises.
- 13.3 Responsible bodies and interested parties will scrutinise the schedule to get a thorough understanding of how the business will operate. The more detail given in the schedule the less likely the responsible bodies and interested parties are to raise concerns. Applicants are encouraged to consult relevant responsible bodies prior to application to ensure any concerns are understood at an early stage and are addressed via the schedule
- 13.4 Applicants are strongly encouraged to consider all matters within their control that support the licensing objectives. The more matters are dealt with through the Operating Schedule at the application stage the less likely applications are to attract representations. Measures to be taken identified through the schedule will form the basis of the conditions to be attached to the licence.
- 13.5 Additional opportunities for licensable activities must be matched by appropriate and proportional measures to support the licensing objectives especially where activities are planned to go late into the night or early morning. Premises in close proximity to residential areas should consider what effect their business will have on smoking, noise and dispersal policies etc to ensure the promotion of the public nuisance objective.
- 13.6 Premises selling alcohol must identify the Designated Premises Supervisor (DPS). The Authority will expect the DPS to have been given the day to

day responsibility for running the premises by the holder of the Premises Licence and, as such, be present on the premises on a regular basis. The Chief Officer of Police will object to the designation of a new or variation to an existing Designated Premises Supervisor where s/he believes that for exceptional circumstances such an appointment would undermine the crime prevention objective.

- 13.7 Additional measures may be necessary on an occasional basis when a special event or promotion is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature. Where anticipated reference should be made to such events in the operating schedule with the additional measures planned to promote the licensing objectives.
- 13.8 The Licensing Authority accepts that the Operating Schedule will reflect the circumstances at individual premises. Applicants are encouraged to liaise with the relevant responsible body when compiling their operating schedules

14.0 Licensing Hours

- 14.1 The Authority recognises the argument that widespread fixed closing times in certain areas can lead to peaks of disturbance and disorder if large numbers of people emerge onto the streets at the same time. Flexible licensing hours, particularly where alcohol is involved may therefore be an important factor in reducing friction at late night food outlets, taxi ranks and other late night services.
- 14.2 The Authority accepts that as a general principle, the act permits activity which does not undermine the licensing objectives, taking place over 24 hours and 7 days a week. The hours requested by the applicant will normally be approved where the applicant can show that the proposal would not, with regard to the licensing objectives, adversely affect the environmental quality, residential amenity and character of any particular area.
- 14.3 Applicants, who wish to sell or supply alcohol for consumption on premises, are expected to include in the Operating Schedule the times when the premises will open, when sales of alcohol will commence and cease, and the time when the premises will be closed. Shops, stores and supermarkets will generally be permitted to sell alcohol during their normal retail hours. However, in the case of individual premises which are a focus for disorder and disturbance then, subject to representations, limitations may be appropriate.
- 14.4 No general restriction or limitation on hours in any area is imposed by this policy but in seeking hours of activity that go through the night and into the morning, applicants will be expected to show, through the Operating Schedule, strong, proactive action and taking of their responsibilities to ensure their management of premises do not allow situations to develop which undermine the licensing objectives. Where late hours are requested, particularly for those in residential areas, subject to representations

received, the imposition of stricter conditions may be appropriate to promote the licensing objectives.

- 14.5 Off sales of alcohol from retail outlets will generally be permitted during the premises regular opening hours. However, in the case of individual premises, which are a focus for disorder and disturbance then, subject to representations, limitations may be appropriate. The Authority recognises the position of restaurants and other premises where the sale of alcohol is incidental to the main licensable activities at the premises.
- 14.6 The Council will always consider the nature of the licensed activity, the location of the premises and the proximity of surrounding late night commercial and residential uses. Where there is already an adverse impact on neighbouring residents, or an anticipated impact from licences granted but not yet trading, the Council will consider the extent to which the proposed use will add to that impact. The absence of appropriate infrastructure or resources to regulate activity in public areas beyond the responsibility of the licensee may be a factor in considering whether later hours for a particular premise should be granted. The nature of the licensed activity is an important consideration. A restaurant, for example, where alcohol is served to seated customers with food is less likely to impact on residential amenity than a use where the primary activity is alcohol consumption.
- 14.7 Where relevant representations are made, especially in residential areas, the Authority may seek to impose a time when the regulated activity needs to stop. This may be a different time to the closing times at the premises that doesn't give rise to nuisance. Later closing times may be permitted in certain circumstances:
- where there is a high level of accessibility to public transport services; and
 - where there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicular movement will not cause demonstrable adverse impact to local residents
 - where through the Operating Schedule an applicant indicates that appropriate steps to comply with the licensing objective of preventing public nuisance are to be taken.
 - the licensed activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;
 - there will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area.

15.0 Planning

- 15.1 Within the Authority the licensing and planning functions are separate. It is strongly recommended that prospective applicants contact the Planning Service in advance of making a licensing application to seek advice on any planning consents or any conditions relevant to the premise to ensure planning and licensing usage is compatible. Where, as a condition of planning permission, a terminal hour has been set for the use of premises

for commercial purposes that is different to the licensing hours, the licence holder must observe the earlier closing time in order to avoid any breach of conditions.

- 15.2 It is also advised that if consent has not already been granted, reference is made to various planning policies contained in the adopted Bury Council Unitary Development Plan and the emerging GMSF (Greater Manchester Spatial framework) in order to ascertain whether any controls are also relevant from a planning perspective.
- 15.3 Copies of the relevant Policy Documents can be found on the Councils web site under Planning Policy or by following the link below:
<https://www.bury.gov.uk/index.aspx?articleid=10657>
- 15.4 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa, so the grant of planning permission does not mean a licence will automatically be granted and vice versa. The granting of any licence or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
- 15.5 As the need arises there will be an exchange of information between the Planning and Licensing Committees regarding the numbers, types etc. of licensed premises. The Licensing & Safety Panel may receive reports on the needs and aspirations of the local tourist economy, the Cultural Strategy and the current employment situation to enable the Panel to reflect these matters in their considerations notwithstanding the fact that decisions on applications made under the Act, shall be made on the basis of promoting the licensing objectives.

16.0 Cumulative Impact

- 16.1 Where the Licensing Authority receives representations from a responsible authority or an interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises making it a focal point for large groups to gather in and circulate away from leading to excessive crime/disorder/nuisance or loss of amenity of local residents/businesses and it is not possible to attribute those problems to individual premises the Authority will, with full consultation, consider the introduction of a special saturation policy
- 16.2 Where there is evidence that a particular area of the district is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further application for premises within any area identified. As such, the Authority will take into account:
- 16.3 The character of the surrounding areas
 - The impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
 - The nature and character of the proposed operation

- In considering all licence applications, the Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder and to support the licensing objectives.

17.0 Conditions

- 17.1 The Authority will not impose standard conditions on licences, nor will it impose disproportionate or over burdensome conditions on licences. However, where late hours are requested, particularly for those involving activities within residential areas, the imposition of stricter conditions may be appropriate to support the licensing objectives and they may be time and/or activity related.
- 17.2 There are a number of mandatory licensing conditions applicable to all licences that permit the sale or supply with alcohol. These are reproduced at Appendix 3.
- 17.3 The Authority has developed and published a pool of model general conditions attached as Appendix 4. Applicants are encouraged to consider the inclusion of relevant conditions within their operating schedule at the time of application. The conditions are for guidance only and do not form part of the policy, they will be modified and added to as the need arises. Following representations or to support suggested action by the applicant there is a need for conditions to be attached they will be tailored to the individual style and characteristics of the premises or activity concerned.

18.0 Representations

- 18.1 Without prejudice to the right of any person to submit an application at any time, applicants are encouraged to discuss their proposals in advance with the Police. It may be beneficial to draw on the experience of the Police in relation particularly to the prevention of crime and disorder. Whilst there is no obligation on the part of the applicant to accept any advice or proposed condition requested by the Police (any conditions must be proportionate and appropriate), it remains that should there be areas of agreement between the two parties a representation from the Police would be less likely and (in the absence of any other representations) would lead to a speedier determination of the licence application.
- 18.2 The policy sets out a general approach to the making of licensing decisions that are compatible with the Licensing Act 2003 and the associated guidance. It does not prevent any individual from making any application and having it considered on its individual merits. Nor does it seek to override the right of any person to make representations on an application or to seek a review where the Act allows them to do so.
- 18.3 When considering applications the Authority will take into account all relevant representations, and the measures to support the licensing objectives taken by or proposed by the applicant through the operating schedule. The Authority recognises that unless relevant representations are received in respect of an application there is no provision for the Licensing

Authority, to refuse an application or impose conditions on a licence other than those proposed within the application.

- 18.4 Nothing in this policy will seek to limit the number of licensed premises simply because the Licensing Authority, any interested party or responsible authority consider that there are enough licensed premises to satisfy demand. This is properly a commercial decision for the applicant.
- 18.5 Any person that is encountering problems related to a licensed premise or activity should contact the licensing authority in the first instance to report the problem to Bury Council's Licensing Service:

Email: licensing@bury.gov.uk
Or Telephone: 0161 253 5208

19.0 Petitions

- 19.1 Petitions may be submitted to the Licensing Authority so show depth of feeling for or against an application. There is no prescribed format for such petitions and whilst the licensing authority has no power to require any particular format individuals may find the following suggestion useful. Each page should include:
- i) The premise name and address
 - ii) The details of the application
 - iii) The reason for the petition and a linkage to one or more of the licensing objectives
 - iv) The full name and address (in print) and signature of each person supporting the petition
- 19.2 Appropriate weight will be given to petitions having regard to the above. Petitions in respect of an application will only be accepted if submitted by a Responsible Authority, a person who has made a relevant representation or by the applicant. The licensing authority will not consider each signatory as a separate representation and so will not contact individual signatories.

20.0 Determining applications

- 20.1 The Policy is integral in managing the role licensed premises play throughout the borough. A key aim of the policy is to ensure that licensed premises have a positive impact on their locality. The authority is aware of the need to avoid the imposition of conditions and other controls, which could deter some forms of live entertainment. Only proportionate, reasonable controls necessary for the promotion of the licensing objectives will be considered.
- 20.2 The Authority will endeavour to carry out its licensing functions in a way that supports well managed premises where licence holders display sensitivity to the potential impact of activities on local residents and other businesses.
- 20.3 Where premises do cause problems; they will be addressed swiftly and in the most appropriate manner.
- 20.4 The Authority will have regard to Guidance issued by the Home Office when determining applications. In particular, account will be taken of the need to encourage and promote live music, dancing and similar activities for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood, then those concerns will be carefully balanced against the wider benefits to the community. The Authority acknowledges the advice of the Home Office that the views of local minorities should not be allowed to predominate over the general interests of the community. The Authority will endeavour to ensure that, if a decision is made which is contrary to the Home Office Guidance, the applicant will be given a full explanation of that decision

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

- 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.
- 21.5 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 Hearings Panel in reaching its decision. The licensing authority recognises the impact of alcohol misuse in Bury 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. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse, which is a significant issue in the borough.
- 21.6 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 (At the time of consulting on this policy the Local Government Association were seeking the introduction of a temporary public health or COVID-19 objective in the Licensing Act. This would enable councils to take action where premises are not protecting the public during the pandemic – such as collecting people's contact details or maintaining social distancing.)

22.0 Consideration of the Licensing Objectives

22.1 Licensing Objectives

This policy and the actions of the Authority will promote the 4 licensing objectives.

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

22.1.1 The Authority recognises that these are the only objectives relevant for the purposes of this policy.

22.1.2 Each licensing objective is considered to be of equal importance within this policy. They will be considered in relation to matters centred on the premises or within the control of the licensee and the effect if any, which the carrying on of that business has on the vicinity.

22.2 Prevention of Crime and Disorder

22.2.1 Prevention of crime and disorder is both an objective of the Act and an important responsibility of the Authority under the Crime and Disorder Act 1998.

22.2.2 The Authority will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been considered to minimise or prevent crime and disorder in and around the vicinity of their premises and how any identified control measures will be implemented. Control measures may vary between premises and will be relevant to the individual style and characteristics of their premises and events. The design and layout of premises can assist in the prevention, detection and recording of crime and disorder. A change in customer numbers or profile can alter the risks associated with any particular business.

22.2.3 Factors for consideration

In considering applications, the Authority will expect the applicant to have considered a variety of matters which may include:

- a) Effective and responsible management of premises
- b) Customer profile, potential for underage drinking and drink abuse and capacity control to prevent overcrowding. A change in customer numbers and profile can alter the risks associated with any particular business
- c) Condition and design of the premises including the provision of security measures, such as lighting outside premises. The design and layout of premises can assist in the prevention, detection and recording of crime and disorder.
- d) Use of CCTV both within and outside the premises where necessary which is compliant with the Information Commissioners Office guidance relating to surveillance camera code of practice; Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case.
- e) Procedures for the risk-assessment of promotions and events that have the potential to cause or increase crime and disorder risks, and plans for minimizing the effects
- f) Measures to be put in place to help prevent the use or supply of illegal drugs, search and provision of secure deposit boxes for confiscated items
- g) Employment and regulation of licensed door supervisors and other appropriately trained supervisors/staff
- h) Active participation in an appropriate Pub & Club Watch Scheme, or other scheme designed to ensure effective liaison with the local community, the responsible authorities and other licensees, including

- participation in a local radio/pager link scheme and communication with the Police
- i) Dispersal Policy and the control of customers entering/ leaving the premises with opened bottles and glasses when observing smoking regulations etc
 - j) Potential effects arising from the provision of adult entertainment
 - k) Operation of glass collection and spillage policy
 - l) Provision of toughened or plastic/polycarbonate glasses and bottles and/ or the decanting from glass bottles where appropriate
 - m) Use of a last entry time for the premises

This list is not exhaustive and is provided, simply, to give examples of proposals for consideration in the operating schedule. Some control measures will assist in the promotion of more than one of the licensing objectives.

22.2.3.4 Drugs

The Authority will expect licensees of venues likely to be affected by drug issues to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent drug misuse on the premises.

In particular, the Authority will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The Authority will also expect licensees to be following the best practice guide on safer nightlife which builds on the safer clubbing published by the Home Office.

22.3 Public Safety

22.3.1 Public safety is about protecting the safety and the lives of patrons. It is the expectation of the Authority that anyone visiting a licensed venue can do so in complete safety, confident that they are visiting premises that have been constructed with safety in mind are well managed and maintained. Applicants will be expected to demonstrate through the Operating Schedule that suitable and sufficient measures have been considered and adopted to ensure public safety, in and around the vicinity of their premises and how any identified control measures will be implemented. In certain situations customers may be in unfamiliar surroundings and under the influence of alcohol. Additionally, they may be subject to reduced lighting levels and increased sound levels. The use of special effects may increase a feeling of disorientation. Control measures may vary between premises and will be relevant to the individual style and characteristics of their premises and activities.

22.3.2 Factors for consideration

The Authority will expect the applicant to have considered a variety of control measures which may include:-

- a) the capacity of the venue
- b) the condition, design and layout of the premises
- c) the nature of the activities to be provided whether licensable or not (e.g. hypnotism; see appendix 4
- d) the use of any special effects such as lasers, smoke/ foam machines
- e) means of access and egress
- f) the use of CCTV
- g) hours of operation
- h) customer profile including any special needs of any groups
- i) staff training especially in dealing with emergency situations, evacuations, over crowding etc
- j) conduct a Fire Risk Assessment for the premises, which is reviewed regularly
- k) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers etc.
- l) use of a daily pre-opening and closing checklist
- m) Operation of glass collection and spillage policy
- n) Use of a last entry time for the premises
- o) effective management of exterior spaces (e.g. beer gardens, smoking areas). Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter
- p) Hygiene and infection control e.g. Covid19 Secure

This list is not exhaustive and is provided, simply, to give examples of appropriate proposals for consideration in the operating schedule. Some control measures will assist in the promotion of more than one of the licensing objectives.

22.4 Prevention of Public Nuisance

22.4.1 Activity involving entertainment, eating or drinking in a public venue has the potential to impact adversely on the surrounding area as a result of noise, smells, or congestion. It may be caused by the premises directly or customers when leaving, leaving litter or taking up on-street car parking space in close proximity to residential premises.

22.4.2 The Authority defines 'public nuisance' widely to include noise and disturbance, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area. The impact of noise generated by these activities is particularly intrusive at night when ambient noise levels are much lower. As a result the Authority may make a distinction

between the approach taken in predominantly commercial areas and predominately residential areas.

22.4.3 The Authority recognises the intention of the legislation to achieve a more flexible-licensing regime with the concept of wider hours of operation. However, this does not mean that all venues are suitable either by design or location to host every form of licensable activity. Experience shows that premises adjoining or in close proximity to residential properties do not lend themselves to all forms of entertainment and longer operating hours. The Authority will expect applicants, particularly those wishing to operate late into the night, to demonstrate that they have taken strong effective measures to minimise the potential for nuisance to arise.

22.4.4 Factors for consideration

The Authority will expect the applicant to have considered a variety of control measures which may include:

- a) the hours of opening and operation
- b) the nature of the activity at the premises
- c) the location and use of nearby properties
- d) the number of people likely to attend the venue, available transport options and dispersal policy
- e) the design and layout of the premises
- f) operation of the premises to prevent escape of noise, smells etc
- g) the use of outdoor areas
- h) last admissions policy
- i) queue control
- j) effective management of exterior spaces (e.g. beer gardens, smoking areas). Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter
- k) responsible management of the use of flyers and other promotional material
- l) Appropriate arrangements for deliveries and collections

This list is not exhaustive and is provided, simply, to give examples of appropriate considerations for inclusion in an operating schedule. Some control measures will assist in the promotion of more than one of the licensing objectives. Appendix 8 gives applicant's guidance on management of potential noise nuisance.

22.4.5 Smoking – Health Act 2006

22.4.5.1 From 01 July 2007 it is illegal to smoke in virtually all enclosed public places and workplaces in England. The ban includes offices, factories, shops, pubs, clubs, bars, restaurants and public transport.

22.4.5.2 Businesses are required as from 1 July 2007 to display signs at entrances to premises. The signs are available from the department

of health at www.smokefreeengland.co.uk/stayinformed or by calling 0800 169 1697.

- 22.4.5.3 A likely impact of the public places smoking restriction under the Health Act 2006 is that customers wishing to smoke may be attracted to premises that have 'beer gardens' or designated outside areas. There is likely therefore, to be more drinking outside of licensed premises. Although smoking is not a licensable activity, it may clearly at times be associated with a licensable activity i.e. sale of alcohol and may be viewed as an area which requires consideration of possible control measures in the interests of avoidance of public nuisance.
- 22.4.5.4 There may be occasions where licensees are required (following representation or application for review) to control areas/hours for such activity and/or have conditions imposed upon their licence if this is deemed proportionate and appropriate in meeting one or more of the licensing objectives and in particular that of the prevention of public nuisance.

22.5 Protection of Children from Harm

- 22.5.1 It is hoped that family friendly premises will thrive, but the prevention of harm to children remains of paramount importance when determining applications. The protection of children from harm includes protection from moral, psychological and physical harm and, in relation to the exhibition of films or transmission of programmes or videos, includes the protection of children from exposure to strong language and sexual content. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.
- 22.5.2 The Authority recognises that with few exceptions the Act allows for the free access of children to all licensed premises, subject to the licensee's discretion and any conditions applied to the licence. When considering applications and options appropriate to prevent harm to children, the Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided. Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. In certain circumstances conditions restricting access or excluding children completely may be considered necessary.
- 22.5.3 Where large numbers of unaccompanied children are likely to be present, for example, a children's show or pantomime, the presence of an appropriate number of adult staff may be required. If appropriate the provision of such staff should be included in the Operating Schedule. Special consideration is expected to be given

to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The licensing authority expects robust measures to be in place to address potential risks associated with such an activity.

22.5.4 **Factors for consideration**

The Authority will expect the applicant to have considered a variety of control measures which may include:

- a) the appropriateness of activities conducted on the premises
- b) an age restriction or age based exclusion for certain events
- c) proof of age schemes and the use of a refusals log
- d) the potential for underage drinking or other underage activity
- e) limits on the hours children can be on the premises, including identification of times when children should not be present
- f) the need for an accompanying adult or additional staff
- g) the use of licensed door staff
- h) the need to formally vet staff through the DBS scheme
- i) controlled viewing of age-restricted films to the recommendations of the British Board of Film Classification or by the Council.

This list is not exhaustive and is provided, simply, to give examples of appropriate considerations for inclusion in an Operating Schedule. Some control measures will assist in the promotion of more than one of the licensing objectives.

23.0 Child Sexual Exploitation

- 23.1 The Licensing Authority is committed to protecting children from harm. It recognises that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.
- 23.2 Alcohol is also reported as a factor in CSE. Young people are encouraged or coerced into drinking alcohol, leaving them vulnerable to perpetrators of CSE. Licensed premises have been implicated nationally in the involvement with CSE, either taking place on the licensed premises or the premises being used for the purposes of grooming and enticement.
- 23.3 The Licensing Authority will report any issues of concern regarding the safeguarding of children to the appropriate safeguarding authorities and will act on any reports from them accordingly in relation to the promotion of the Licensing Objectives. Where there are serious concerns and/or any criminal investigations in relation to the abuse of children in connection with a licensed premises, serious consideration will be given to lodging a review of the premises licence / certificate as it relates to the negative impact on the Licensing Objectives and in particular crime and disorder and the protection of children from harm.

- 23.4 The Licensing Authority expects licence holders and operators of licensed premises:
- To understand that the sexual exploitation of a child is a criminal offence;
 - To ensure that they and their employees are fully aware of the signs of CSE and how to report it;
 - To report any concerns to the appropriate authorities or to the Licensing Authority who will then flag up their concerns to the relevant safeguarding professionals on their behalf.
- 23.5 The Licensing Authority will attend the Bury Integrated Safeguarding Partnership and all officers will undergo CSE training

24.0 Children and Adult Entertainment Venues

24.1 Sexual Entertainment Venues

- 24.1 Bury Council has re-adopted the provisions of Schedule 3 Local Government [Miscellaneous Provisions] Act 1982 and is currently drafting a policy which will relate to adult entertainment venues and activities.
- 24.2 In some cases additional licences may be required under separate legislation for sexual entertainment venues.
- 24.3 Where activities under a new licence would regularly include those with a sex related element, the premises may also require a sex establishment venue licence.
- 24.4 A sex establishment venue is defined as any premises where any live performance or any live display of nudity is of such a nature, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience (eg. striptease, table dancing, topless waitresses).
- 24.5 A new premises may need to hold both a licence issued under the Licensing Act 2003 to allow the premises to sell alcohol; and a licence issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to allow the premises to be used as a sexual entertainment venue.
- 24.6 Where an existing licensed premises provides or wishes to provide sex related activity, the Council will expect the premises licence holder to assess the impact of the proposed activity on the licensing objectives and, where appropriate, apply to vary the conditions attached to the premises licence to take account of any increased risk. This may avoid a possible review of the premises licence from an interested party or responsible authority. Where it is deemed appropriate to seek a variation to the premises licence,

the Council will expect the application to vary the premises licence to accompany the application for a sexual entertainment venue licence

25.0 Alcohol Delivery Services

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

26.0 Minor Variations to premise licences or club premises certificates

- 26.1 It is possible to make small changes to a premises licence or club premises certificate through the minor variation process, which is cheaper, easier and quicker than the full variation process.
- 26.2 A minor variation is defined as one that could not impact adversely on any of the four licensing objectives. The process may be used for changes such as:
 - small changes to the structure or layout of a premises;
 - the addition of authorisation for late night refreshment or regulated entertainment (such as performance of plays or film exhibitions);

- small changes to licensing hours;
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions)and
- any other minor matter where it is considered that the application does not adversely impact on one or more of the licensing objectives.

26.3 The Minor Variations process cannot be used to:

- add the retail or supply of alcohol to a licence
- extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am;
- increase the amount of time on any day during which alcohol may be sold by retail or supplied;
- extend the period for which the licence or certificate has effect;
- transfer the licence or certificate from one premises to another, or vary substantially the premises to which it relates
- specify, in a premises licence, an individual as the premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate; or
- disapply the mandatory conditions relating to a designated premises supervisor (there is a separate process by which community premises can apply for this).

26.4 A simplified process will be adopted for minor variations. The licensing authority will consult with any relevant responsible authority that it deems appropriate (if any) and any representations from them will be considered.

26.5 Whilst each application will be considered on its individual merits, it will be normal practice to refuse an application for a minor variation in favour of a full variation should any representations be received, unless agreement can be reached which satisfies the representation.

26.6 In the absence of any representation the minor variation would normally be granted provided that there is no likelihood of any adverse effect on the licensing objectives.

27.0 Licence Reviews

27.1 The proceedings set out in the Act and regulations represent a key protection for the community where there are problems associated with licensed premises.

27.2 Any person can apply for a review of a licence. The licensing authority encourages licensed premises, local residents and businesses to work together in achieving the promotion of the licensing objectives. Where problems arise it can be constructive for local residents to approach the manager of the licensed premises in the first instance. Alternatively, problems can just be reported to the licensing authority for them to address with the premises concerned. Responsible authorities are encouraged to give licence holders early warning of any concerns identified at a particular premise.

27.3 When considering whether any licensable activity should be permitted, on receipt of any relevant representations, the Authority will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents, by considering the following factors amongst other relevant matters:

- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving premises and the likely means of public or private transport that will be used by the customers;
- the means of access to the premises, which should have customer entrances on the principal pedestrian routes;
- the cumulative impact of licensed premises in an area;
- the scope for mitigating any impact;
- how often the activity occurs.
- and, in considering any application for a premises which is already licensed, the Authority will take into account any evidence:
- of past demonstrable adverse impact from the activity, especially on local residents;

Or

- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate the adverse impact. If, however, such measures have not been put into effect or there has been insufficient time to assess them, this could impact on the determination of the application;

Or

- of past history of the premises, where there have been no relevant complaints or problems.

27.5 The prime purpose of this part of the policy is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim the policy lists particular matters that the Authority will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents:

- The precise nature of the activity, especially for entertainment, will be a factor in considering the impact, principally in terms of the age and orderliness of the customers.
- Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower.
- The Authority's preference is to see licensed activities located in places where customers are not reliant on private car use, and can walk or use public transport. The Borough varies considerably. In town centres, a high use of public transport could be expected by the customers of licensed premises but, even there, car use is likely to increase when activities go on very late. Consequently, there could be unacceptable parking and traffic in nearby residential areas.
- The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. It would not be appropriate, for instance, to have licensed activities which cause large numbers of people to exit into a residential area as opposed to a situation where pedestrian movement takes place directly to and from nearby public transport services.

27.6 With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed. In accordance with Government guidance, the decisions taken by the Authority will obviously be focused on matters within the control of individual licensees, and others granted relevant permissions, and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of public living, working or engaged in normal activity in the area concerned.

27.7 In taking its decisions the Authority accepts the difficulty a licence holder has in preventing anti-social behaviour by individuals, once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses.

27.8 The aim of the policy is to achieve a balanced approach to these difficult issues.

27.9 The Authority has a range of powers when determining a review; it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or

playing of recorded music (where it is not within the incidental live and recorded music exemption);

- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

27.10 The Authority and responsible authorities will use the review procedures effectively to ensure promotion of the licensing objectives. Where reviews arise and the Authority determines that the matter under review is seriously detrimental to one or more of the licensing objectives revocation of the licence, even in the first instance, may be seriously considered. Appendix 9 explains to applicants the role of Licensing Authority as a Responsible Authority.

27.11 Where an applicant is aggrieved by any decision or condition, there is a right of appeal to the Magistrates' Court. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Council of the decision. Unless an appeal is lodged a review decision takes effect at the end of the appeal period.

27.12 The Council will give comprehensive reasons for its decisions. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 182

28.0 Compliance and Enforcement

- 28.1 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own Enforcement Policy.
- 28.2 The Enforcement Concordat is based on the principles that businesses should: -
- receive clear explanations from enforcers of what they need to do and by when;
 - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
 - receive an explanation of their rights of appeal.
- 28.3 All decisions and enforcement action taken by the Council will have regard to the relevant provisions of the Act, national guidance, the Enforcement Policy of the Council, and to the principles of the Enforcement Concordat. The Public Protection enforcement policy is currently being reviewed and the Council has, and will continue to have, regard to the statutory Regulator's code, issued by the Better Regulation Delivery Office under section 22 of the Legislative and Regulatory Reform Act 2006. Once adopted this will be placed on the council website
- 28.4 The Council intends to establish enforcement protocols with Greater Manchester Police on enforcement issues to provide for efficient deployment of local authority staff and police officers who may be engaged in enforcing licensing law and the inspection of licensed premises. An existing joint partnership approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance when relevant conditions are appropriate.
- 28.5 Enforcement will be targeted to problem and high risk premises/activities which require greater attention, premises which are well run and managed and therefore present a lower risk will enjoy a greater degree of self regulation.
- 28.6 Compliance visits will take place at the discretion of the Authority, working with partner agencies and resources will be prioritised towards areas of greatest need.
- 28.7 The Authority will continue to work with the licensing trade to ensure compliance of the Licensing Act and the promotion of the licensing objectives. Officers attend local pub watch meetings on an invitation basis.
- 28.8 The Authority will investigate complaints where it is alleged that licensable activities have/or are to take place without the relevant

licence/certificate/notice and will use its discretion to determine whether, in the circumstances, it is in the public interest to take enforcement action. Factors which may be taken into account are:

- The nature of the event
- The impact/likely impact of the event
- The safety measures in place to deal with any possible risks.

28.9 The licensing authority works in conjunction with partners such as Environmental Health, Trading Standards, Greater Manchester Police, Planning Department, Bury Safe, Bury Drugs and Alcohol Strategy Team, National Health Service (NHS), Bury Safeguarding Children Board and Greater Manchester Fire and Rescue Service, in delivering a range of initiatives aimed at ensuring the promotion of the Licensing Objectives throughout Bury such as:

- Joint-agency enforcement exercises
- Proactive monitoring of licensed premises
- Test purchase operations
- The establishment of Public Spaces Protection Orders deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

28.10 The Authority will undertake surveillance relating to under-age sales to ensure compliance with legal and conditional requirements.

28.11 Where a licence holder is convicted of an offence under the Act, associated legislation or as a result of some other serious crime or event a review of the licence will be considered.

29.0 Suspension of premises licence for non-payment of the annual fee

29.1 The Licensing Authority is required to suspend a Premises Licence or Club Premises Certificate if the annual fee has not been paid when it is due. Where a Premises Licence or Club Premises Certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension will be lifted immediately upon payment of the fee and the licensable activities can be resumed.

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

30.0 Additional considerations

30.1 Purple Flag

Purple Flag is an external accreditation designed to provide recognition that a town or city centre is managing its night time experience (17.00 – 06.00) and thus helping overcome any negative public perceptions that may exist. It provides the opportunity for a centre to present itself in a positive light to town centre users, including operators, residents, tourists and visitors.

Purple Flag has been developed by from original research undertaken by the Civic Trust. This showed that:

- More people would use centres at night if they were safer, more accessible and offered more choice
- A good mix of clientele can lessen intimidation and improve perceptions
- A wider range of attractions and consumers leads to longer term economic viability

In January 2020, Bury Council were awarded the Purple Flag accreditation for Bury Town Centre for the fifth successive year. The Authority may look favourably on applications that promote the agenda and attributes of the accreditation.

Further info at www.purpleflag.org.uk

30.2 Large Scale Events

If you wish to hold an event in a public space in Bury general advice on organising events is available on the Council website: <https://www.bury.gov.uk/index.aspx?articleid=11740> . Contact can also be made with the Council's Licensing Unit to discuss the application further.

Licensees should also make reference to The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'

Landowners within the Borough will be encouraged to licence publicly accessible open spaces for appropriate activities.

30.3 Film Classification

30.3.1 Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with:

- Either the BBFC classification;
- Or where the film is not classified by the BBFC, any recommendations made by the licensing authority.

- 30.3.2 In accordance with the guidance issued under section 182 of the Licensing Act 2003, the licensing authority shall concern itself primarily with the protection of children from harm when classifying films. It will not use its powers to censor films save where there is clear cause to believe this is required to promote the licensing objectives.
- 30.3.3 The licensing authority considers the classification system used by the BBFC to be nationally understood and accepted. It will, therefore, use this system as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). However, it should be noted that the licensing authority is not obliged to follow these guidelines.
- 30.3.4 Requests for certification by the licensing authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing Unit. Requests should include:
- A DVD copy of the film
 - Details of any existing classification issued by an existing classification body, whether within or outside the UK
 - A synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film
 - Such recommendation as may have been made by the filmmaker upon age limit for the intended audience for exhibition of the film
 - Proposal of age restriction by the applicant.

30.2 Pubwatch and Off-licence Forums

- 30.3.1 Membership of such schemes are demonstrations of good practice by the licensed trade and are supported by the Licensing Authority as well as partner agencies such as Greater Manchester Police and Public Health England. The Authority encourages licensees to participate in such local groups, or for them to seek to establish new ones where none currently exist. The Authority will endeavour to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the Licensing Objectives.

30.3 The use of tables and chairs on the public highway (Street Cafe Licence)

- 33.4.1 Licensed premises that wish to use a portion of a public street, road or place for the for the placing of tables, chairs or other temporary furniture outside a restaurant or cafe for patrons to use may only do so under permission of a Street Cafe licence issued by the Council as Highway Authority. Applicants should be aware that approval is not automatic and no tables or chairs should be placed on the highway until formal approval has been obtained

- 33.4.2 Street Cafe licences are subject to their own specific restrictions, including limitations on the hours during which they may be used and the number of tables and chairs that may be provided.
- 33.4.3 Where these areas include the provision of any licensable activities, including the sale of alcohol they must be included in the plan attached to the licence or certificate.
- 33.4.4 Applicants are expected to have specific regard to the impact upon the Licensing Objectives that the operation of any areas on the public highway that are licensed for tables and chairs might have.
- 13.4.5 Applicants should note that the grant of a premises licence to include part of the highway does not in itself grant permission to use that part of the highway and similarly a licence from the highway authority does not grant permission to undertake any other licensable activity.
- 33.4.6 The Business & Planning Act 2020 Pavement Café Licences
July 2020 saw the introduction of Pavement Café Licences a new temporary regulatory regime for the licensing of tables and chairs on the highways following the Covid 19 Pandemic. This regime is set to end 30 September 2021 More information can be found on the councils website at <https://www.bury.gov.uk/index.aspx?articleid=11018>

30.4 Early Morning Alcohol Restriction Orders

- 30.4.1 An Early Morning Alcohol Restriction Order (EMRO) allows the licensing authority to restrict the sale of alcohol at a specified time between the hours of midnight and 6:00am. There are no exceptions except for the supply of alcohol to residents with overnight accommodation via minibars and room service.
- 33.5.2 EMROs are intended to deal with alcohol-related crime & disorder anti-social behaviour, and serious public nuisance, which is not directly attributable to individual licensed premises. EMROs only apply to the sale or supply of alcohol they do not affect authorised hours for regulated entertainment or late night refreshment
- 33.5.3 An EMRO can apply to a specific area or even single street, it does not need to be Borough wide. It can apply to specific days of the week, can specify different times for different days of the week, and can apply to limited periods of the year or for an unlimited period. But it cannot apply on New Year's Eve/New Year's Day;
- 33.5.4 Any consideration for the introduction of an EMRO would be the subject of separate formal consultation and, if it is to be introduced, must be adopted at a meeting of the full Council

30.5 Late Night Levy

- 33.6.1 A Late Night Levy (LNL) enables Licensing Authorities to raise a contribution towards the costs of policing the Night Time Economy (NTE) by charging a levy on holders of Premises Licences and Club Premises Certificates authorised to sell alcohol.
- 33.6.2 It would apply across the whole Borough and be applicable to any premises licensed to operate from a fixed time between 00.00 hrs – 06.00 hrs.
- 33.6.3 Any consideration for the introduction of a LNL would be the subject of separate formal consultation and, if it is to be introduced, must be adopted at a meeting of the full Council.

Appendix 1

Responsible Authorities

Licensing Authority
3 Knowsley Place
Duke Street
Bury
BL9 0EJ
Tel Number: 0161 253 5208
Email: licensing@bury.gov.uk

The Fire Safety Manager Greater Manchester Fire & Rescue Service

Bury Fire Station
Magdalene Road
Bury, BL9 0ES
Tel Number: 0161 253 0313
Email: P&PAdminTeamBuryOldham@manchester.gov.uk

Bury Safeguarding Children Board

18-20 St Mary's Place
Bury
BL9 0DZ
Tel Number: 0161 253 5705
Email: safeguardingteam@bury.gov.uk

Planning Authority

3 Knowsley Place
Duke Street
Bury
BL9 0EJ
Tel Number: 0161 253 5314
Email: planning@bury.gov.uk

Greater Manchester Police

Dunster Road
Bury,
BL9 0RD
Tel Number: 0161 856 8177
Email: NDiv.Partnership@gmp.police.uk

Public Protection

Health & Safety, Pollution and Weights & Measures Sections
3 Knowsley Place
Duke Street
Bury
BL9 0EJ
Tel Number: 0161 253 5353
Emails:
Pollution and Health & Safety: commercial@bury.gov.uk
Weights and Measures: tradingstandards@bury.gov.uk

Public Health

3 Knowsley Place

Duke Street

Bury

BL90EJ

Email: publichealth@bury.gov.uk

Immigration

Alcohol Licensing Team

Lunar House

40 Wellesley Road

Croydon

CR9 2BY

Email: Alcohol@homeoffice.gsi.gov.uk

Neighbouring Authorities

Bolton	01204 336570
Blackburn	01254 585585
Rochdale	01706 647474
Rossendale	01706 217777
Salford Council	0161 794 4711

Appendix 2 Exercise and delegation of functions

The Council Constitution delegates the governance arrangements in respect of the Licensing Act 2003 to the Licensing and Safety Panel except Policy issues which are reserved to Council by the Act. The delegated functions are exercised in accordance with this table.

The Licensing & Safety Panel consists of 13 members, with a quorum of 3. A Hearings Panel consists of 3 members.

Matter to be dealt with	Full Panel	Hearings Panel	Officers
Application for personal licence		If a representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary designated personal licence holder		If a police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for Interim Authorities		If police representation	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a			All cases

complaint is irrelevant frivolous vexatious etc			
Matter to be dealt with	Full Panel	Hearings Panel	Officers
Decision to object when local authority is a consultee and not the lead authority			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of an application to vary premises licence at community premises to include alternative licence condition.		If Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of application for minor variation			All cases
Decision on whether a representation is irrelevant, frivolous or vexatious			All cases
Application for review by Licensing Authority			All cases

Appendix 3

Mandatory Conditions

This licence is granted subject to any **Mandatory Conditions** imposed by the Licensing Act 2003, **and conditions volunteered** on the application form to be undertaken by the applicant and where necessary, **conditions imposed by the Licensing Authority** in order to promote the Licensing Objectives.

Mandatory Conditions:

- a No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence OR at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- b Every supply of alcohol under the Premises Licence must be made or authorized by a person who holds a Personal Licence.
- c Any Door Security staff employed to carry out a security activity at the premises must be licensed with the Security Industry Authority (SIA).
- d. In respect of the exhibition of films as mentioned below:
 - 1 The admission of children to the exhibitions of any film is restricted as follows:
 - 2 Where the film classification body is specified in the licence, unless 3(b) below applies, the admission of children is restricted in accordance with any recommendation of that body.
 - 3 Where:-
 - (a) the film classification body is not specified in this licence, or
 - (b) the licensing authority has notified the holder of the licence that this subsection applies to the film in question,the admission of children is restricted in accordance with any recommendation made by the licensing authority.
 - 4 In relation to the above:
"children" means persons under the age of 18 years; and
"film classification body" means the persons or person designated as the authority under section 4 of the Video Recordings Act 1984.

Mandatory Conditions pursuant to The Licensing Act 2003 Mandatory Licensing Conditions (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise)

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml, and
- (iii) still wine in a glass: 125 ml

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and

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

Definition:

Responsible person - as defined by section 153 (4) Licensing Act 2003 -

(a) *In relation to a licensed premises -*

- (i) *the holder of a premises licence in relation to a premises*
- (ii) *the designated premises supervisor (if any) under such a licence*
- (iii) *any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.*

(b) *In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.*

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Appendix 4

Licensing Act 2003 – Model conditions

NOTE: the conditions below do not form part of the policy and will continue to be developed, if you have any questions about these conditions, please contact the Licensing Office.

The following conditions are offered for consideration by Licensing Hearings Panels should the Panel consider a licence be granted with additional and/ or modified conditions. They may also be offered by applicants through the application or mediation processes. It is not the intention to apply all these model conditions to each and every licence. It is accepted that any conditions will only be attached to a licence where it is reasonable and proportionate to do so and promotes one or more of the licensing objectives.

Any risk assessment to identify necessary conditions will consider the individual circumstances of the premises including:

- The nature and style of the venue
- The activities being conducted there
- The location and
- Anticipated clientele

Proposed Licensing Act 2003 Model Conditions

Martyn's Law

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 Bury 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 vacu-ation, 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 overservice 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 Bury 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 [21] [25] scheme must be operated to ensure that any person who appears to be under the age of [21] [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 [21] [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 considerately 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 Bury 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 Bury Council on 253 5678 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.

Appendix 5

THE HYPNOTISM ACT 1952

Stage hypnotism provided as an entertainment requires special consideration and planning. If an applicant knows they may wish to have a performance of stage hypnotism at any time this should be addressed in the Operating Schedule. The Act states that no person shall give an exhibition, demonstration or performance of hypnotism on any living person at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, at any place unless the controlling authority (Bury Council) have authorised that exhibition, demonstration or performance under this section. Where consent is given for this type of entertainment the Council will impose specific licence conditions designed to ensure the safety of the audiences and in particular to ensure that children are not admitted to and cannot participate in such activities.

There is no prescribed format for an application to hold a performance of stage hypnotism, however, an applicant will be expected to include in their written application, their full personal and contact details and the details of any professional qualifications, membership and experience they may have in relation to the performance of stage hypnotism acts. They should also provide full details of the venue and timings during which they request the performance to take place. Applications should normally be received at least 28 days before the first performance is due to take place, however, the council will consider accepting applications less than 28 days prior to the performance taking place particularly in circumstances where the hypnotist has previously performed at the venue with the approval of the council and without giving the council any cause for concern.

Applications to hold a performance of stage hypnotism will be considered by the Licensing and Safety Panel.

CONDITIONS

1. The artiste shall be competent in the inducement of, and reversal of, a state of hypnosis.
2. No exhibition, demonstration, or performance of hypnotism shall involve any person under the age of 18 years.
3. The exhibition, demonstration or performance of hypnotism shall not, either directly or indirectly, induce, suggest to, or direct any person to behave in a manner which is either:
 - a) obscene, indecent, or offensive, and/or
 - b) aggressive, and/or
 - c) demeaning to an extent which would be unacceptable to the ordinary common person.
4. Any form of induced sleep or trance, under which any person is placed in the course of the exhibition, demonstration, or performance of hypnotism, shall be fully reversed immediately after that person's part in the exhibition, demonstration, or performance is concluded.

5. These Conditions form part of the authorisation, and shall be monitored/enforced by a responsible member of the management of the premises.

6. The hypnotist must produce satisfactory evidence of current Public Liability Insurance cover, (to a minimum level of £1,000,000), to the management of the venue prior to the performance taking place.

Appendix 6

STATUTORY QUALIFYING CONDITIONS FOR CLUBS

The following qualifying conditions which a club must satisfy are extracted from the Act.

- **Condition 1** is that under the rules of the club persons may not —
 - a) be admitted to membership, or
 - b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- **Condition 2** is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- **Condition 3** is that the club is established and conducted in good faith as a club (see Section 63 of the Licensing Act 2003).
- **Condition 4** is that the club has at least 25 members.
- **Condition 5** is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

Appendix 7

Management of Potential Noise Nuisances

One of the greatest irritations to residents trying to sleep is the sound of music escaping from licensed premises. Particularly at night when it is generally quieter noise will be amplified and provide more disturbance for residents. Clearly a responsible applicant will wish to further the licensing objective of preventing public nuisance by introducing adequate control measures.

In relation to noise from within the building the Authority will expect the applicant to have considered the likelihood of any sound leakage from the premises. This noise could relate not only to music but also to equipment or patrons. If there appears to be a potential for sound leakage the applicant will be able to address this in practical ways such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation.
- Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level.
- Installing soundproofing measures to contain sound and vibration.
- Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.

Excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. In terms of patrons leaving the premises, particularly late at night or early in the morning, the Authority will expect the applicant to have included in the Operating Schedule practical step to minimise problems, such as the examples given below, although there will be few premises that need to address all these:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- At appropriate times using the PA system to make announcements to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Availability of licensed Hackney Carriage and Private Hire Vehicles to take patrons from the premises.

- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels, where practicable without causing further nuisance.
- Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after a specified time, or ensuring it is vacated 30 minutes before the terminal hour.
- Ensuring that customers are not permitted to take open bottles or glasses of alcohol out of the premises.
- Taking appropriate steps where necessary to deal with noxious smells and light pollution.
- licensing objectives.

Appendix 8

Local Authority as Responsible Authority

The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to enable licensing authorities to act as the other Responsible Authorities. This will enable the Licensing Authority to take early intervention action where they consider it appropriate. The Licensing Authority will still expect that other responsible authorities to intervene where the basis for the intervention falls within their remit, for example the police in criminal matters. Further, the licensing authority does not expect to act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups).

Licensing Authority making representation as a Responsible Authority

As far as reasonably practical the Licensing Authority will make provision for separation of roles between the licensing officer making a representation and the licensing officer preparing and presenting the report to the a Hearings Panel.

1. Review/ representation is submitted by the officer to the Licensing Unit Manager or Head of Trading Standards and Licensing
 - a. If it is a review application, the submitting officer is responsible for completing the application process e.g. sending the copies of the application to all Responsible Authorities
2. Once the review application/representation has been submitted the submitting officer does not take any further involvement with the application process until the matter is considered by the Hearings Panel
3. The report will be drafted by someone other than the submitting officer
4. At the hearing the Licensing Unit Manager/Deputy Licensing Officer/Acting Head of Public Protection will present the report.

The submitting officer will attend the hearing to present his/her case findings.

The role of Councillors

All hearings are before 3 Councillors drawn from the 13 Councillors that constitute the Licensing and Safety Panel.

Any Councillor is able to make a representation in their capacity as a member of the Council. If members of the public have concerns over a premise and do not wish to submit a representation themselves they may contact their local Councillor to enquire whether they will make a representation on their behalf. However, it is a matter for the individual Councillor whether they accept and it is recommended that such requests are made in writing so that any request can be clearly demonstrated.

Additionally, if a member of the public makes a representation, they may in turn nominate any person, including a local Councillor, to represent

them at the hearing. However it is the individual's responsibility to ensure that the nominated person is available and willing to represent them. As above, any request should be made in writing so that the licensing authority can be satisfied the person has been correctly nominated.

Appendix 9 Good practice for making a representation

Relevant Representations

There are various types of applications that can be made under the Act, and in most cases representations are invited in relation to them. However, to be considered by an Authority they must be 'relevant representations' as defined by the Act.

If you want your views to be considered by the Council in respect of a particular application, you must submit a 'relevant representation'. A relevant representation must:

- (a) be made by any person or Responsible Authority
- (b) be made in writing to the licensing authority
- (c) be received by the licensing authority no later than 28 days after the date the application was made (ten days for a minor variation)
- (d) relate to the likely effect of the granting of the application upon one or more of the Licensing Objectives, which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm.

Potential issues could include noise or disturbance from the premises, previous examples of crime and disorder associated with the premises, litter problems associated with the premises, or provision of activities not suitable for children where children could be admitted. Any representation that is considered as frivolous or vexatious by the licensing authority will not be accepted.

Representations may be made by email and the licensing authority does not require email representations to be followed up with a hard copy. Representations should be made to:

By post: By email:

The Licensing Unit
Bury Council
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Email: licensing@bury.gov.uk

Representations should:

- Demonstrate a link to the promotion of the licensing objectives. If you are making a representation in support of an application, explain how the proposed application would promote the Licensing Objectives

- Provide an evidential base for the grounds of the representation, which could include written logs of problems, details of previous complaints, photographs or video evidence of the particular issues.
- Ensure as far as possible that the representation is specific to the premises.
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities.
- Representations will not be considered if they are considered 'frivolous' or 'vexatious' by the licensing authority. 'Frivolous' and 'vexatious' have their ordinary meaning; therefore, the licensing authority might disregard representations that are made because of a business dispute between rivals or representations that lack seriousness.

Representations can be made in opposition to, or in support of, an application. In cases where only 'positive' representations are made, without qualifications, the Licensing Authority will consider whether a hearing is necessary

The Licensing Authority will determine whether:

- *the representation has been made by a other person as defined under the Act; and*
- *would consider the issue(s) raised in a representation as frivolous or vexatious (or repetitious in respect of a review).*

Another person aggrieved by a rejection of their representation on these grounds may challenge the Licensing Authority's decision by way of judicial review.

Where a relevant representation is made in respect of:

- an application; or
- an existing licensed premises

A hearing will be held, unless an agreement is reached between all relevant parties that a hearing is not required.

The Licensing Authority will attempt mediation between the relevant parties wherever it may be practicable or appropriate to do so, so as to avoid unnecessary hearings.

Disclosure of personal details of persons making representations

The licensing authority is required to provide the licence applicant with copies of any relevant representations received in respect of the application.

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

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

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

Appendix 10

Information for residents and other persons

Local residents and businesses can play an important role in the licensing process as it will be they who are most likely to be directly affected. This section provides useful information on understanding how to find out about applications and submit any comments (representations) in respect of them. Representations do not have to be objections and can be made in support of an application.

Finding out about the application

Applicants for new licences and variations to existing licences are required to advertise the application in two ways by:

1. Placing a notice at or on the premises on A4 (or larger) pale blue paper prominently at or on the premises where it can be conveniently read from the exterior of the premises and
2. Placing a notice in a newspaper in a newspaper circulating in the vicinity of the premises. Advertisement will be at least once in the ten days following the application being given to the licensing authority.

A notice will also be published on the Council's website (<http://www.bury.gov.uk/index.aspx?articleid=3016>) outlining key details in respect of an application.

Representations can be made against or in support of the application within 28 days

Additionally, the Authority's Licensing Unit provides email notifications of applications received by the licensing authority on a ward-by-ward basis to Councillors.

Information about application can be obtained by contacting the Licensing Unit and providing a valid email. While the Licensing Unit will normally

advise of all applications within the ward, the Council is not legally required to do so. This information is provided as a courtesy to Bury Councillors and there may be occasions when notice is not provided. Therefore, the Authority recommends that those interested or requiring this information regularly check the Council's register of licence applications and notices on premises which can be found on the Council's website at: <https://licensing.bury.gov.uk/PAforLalpacLIVE/>

Appendix 11

List of Consultees