

**Warrington Borough Council Licensing**

**Proposed licensing policy**

**Consultation - January 2024**

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**WARRINGTON**  
Borough Council

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# 1 General Policy

## 1.1 Introduction

- 1.1.1 The Licensing Authority is required to publish a Statement of Licensing Policy. This policy statement has been prepared and published in accordance with the provisions of the Licensing Act 2003, and with regard to the guidance issued under Section 182 of the Act, and any supporting regulations that may from time to time be made.
- 1.1.2 In drawing up this policy the council has had regard to the nature of the borough and the needs and wishes of local communities. We have consulted with all the statutory consultees and other appropriate bodies and given due consideration to all comments received.
- 1.1.3 We will endeavour to work with everyone to ensure that a consistent and fair approach is taken.
- 1.1.4 The four licensing objectives are:
- the prevention of crime and disorder
  - Public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.1.5 This statement sets out how we will promote the objectives when making decisions on applications made under the Act. Each licensing objective will be treated with equal importance.

## 1.2 Consultation

- 1.2.1 In determining this statement, the authority has had regard to the guidance and given proper weight to the views of those it has consulted.

## 2 Purpose and Scope

### 2.1 Introduction

- 2.1.1 Warrington Borough Council (“the council”) is the Licensing Authority under the Licensing Act 2003 (“the Act”), and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in respect of the retail sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment.
- 2.1.2 The primary purpose of the policy statement is to set out how the council will promote the Licensing objectives in a fair and consistent manner.
- 2.1.3 The licensing process can only seek to control those measures within the control of the Premises Licence Holder and the Designated Premises Supervisor. The Act is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder. The Licensing Authority will, however, consider the cumulative impact and any requirement for a special policy.
- 2.1.4 This policy statement has been prepared having regard to the statutory provisions and associated guidance. As such the authority must abide by the provisions of the Act. However, the authority may depart from guidance where it is reasonable to do so; full justification will be given for any such departure.
- 2.1.5 This policy cannot detail all the factors that influence the achievement of the licensing objectives, nor can it detail all the control measures that may be appropriate.
- 2.1.6 In the interests of speed, efficiency and cost effectiveness the council has determined which decisions and functions should be carried out by the council’s full Licensing Committee or delegated to a sub-committee or council officers. Appendix 1 to this policy sets out how the council will approach the carrying out of different functions. The Licensing Committee will receive regular reports on decisions made by officers to maintain an overview of the general situation.
- 2.1.7 The advice and guidance contained in this Statement of Licensing Policy is intended only to assist readers in consulting the policy and should not be interpreted as legal advice. Readers are strongly advised to seek their own legal advice, if they are unsure of the requirements of the Licensing Act 2003, or of the guidance or regulations issued under the Act.

## 3 Vision and Values

### 3.1 Introduction (Existing policy)

- 3.1.1 Partners across Warrington are committed to promoting the long-term wellbeing of the people who live and work in Warrington and recognise that factors contributing to wellbeing cover a broad range of areas ranging from physical and mental health, to economic prosperity, to feelings of safety and a pleasant living environment. This means everyone in the borough has a role to play in promoting wellbeing; wellbeing is everyone's business.
- 3.1.2 This licensing policy contributes to the overall vision of wellbeing for Warrington by providing a framework for sound policy decisions.
- 3.1.3 We recognise that as well as responsible authorities anyone has the democratic right to be involved in local decisions and we are keen to take account of their views.
- 3.1.4 Whether you live, work, visit the night-time economy, run local businesses or are affected by the operation of licensed premises; alcohol, and more importantly its misuse, can impact on people's lives and sense of wellbeing.
- 3.1.5 We also know that a number of people choose not to use our night-time economy and we acknowledge their right to a say.
- 3.1.6 Warrington Borough Council's pledges and priorities are that:

- our residents live healthy, happy and independent lives.
- everyone benefits from our thriving community.
- communities are safe, strong and our most vulnerable are protected.

- 3.1.7 The licensing policy helps to deliver these priorities via local promotion of the licensing objectives. Our vision is to create a safe and welcoming economy with a broad appeal.

### 3.1 Introduction (Proposed policy)

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- everyone benefits from our thriving community.
- communities are safe, strong and our most vulnerable are protected.

3.1.7 The licensing policy helps to deliver these priorities via local promotion of the licensing objectives. Our vision is to create a safe and welcoming economy with a broad appeal.

3.1.8 Warrington has a nationally recognised reputation as being an economically dynamic and well-connected destination. Its position at the heart of the road and rail network in the Northwest and between Liverpool and Manchester makes it attractive as a location for businesses and as a location to make a home. The vision for Warrington's regeneration and growth seeks to build on and enhance this reputation by delivering strategic development opportunities that will deliver improved road and rail infrastructure, will bring forward investment opportunities, will deliver more jobs and homes, all targeting a net zero carbon town. Warrington's ambitious vision is set out in the framework document "Warrington Means Business" that sets out not only the priority developments within the borough, but also how the town forms part of a regional economic development agenda; utilising opportunities such as Northern Powerhouse Rail and the Town Deal programme and engagement with agencies such as Homes England and the Department for Transport to integrate our growth with that of Liverpool, Manchester and the wider North West of England.

3.1.9 The interrelation between regeneration, growth and investment opportunities and licensing policies is critical to providing a safe and attractive environment for all whilst still allowing evening and night-time economies to bring exciting new food and beverage options to the Town Centre to deliver change and for promoting the Licensing objectives. Whilst being aware that decisions around alcohol and other licensable activities have a key role to play and have an alignment with our Health & Wellbeing Strategy in promoting long-term health and wellbeing.

## 3.2 Policy context

3.2.1 It is a function of the Licensing Act to promote the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

3.2.2 It is important that the policy statement as far as is reasonably practicable, supports, and is consistent with, the strategic aims of the council and its partners.

3.2.3 The council wants members of the licensing trade to help shape the future of the town. By working together, we can create a vibrant, safe and welcoming early evening and night-time economy, which helps local businesses to create viable and sustainable business models.

3.2.4 We also wish to protect and grow our town and district centres in a way that ensures that future uses are commensurate to the needs and aspirations for that area.

### 3.3 Our Objectives (Existing Policy)

#### 3.3.1 We want to work together to:

- provide a safe environment for people to enjoy.
- broaden the appeal of the late-night economy
- create an environment that attracts appropriate investment and allows responsible businesses to thrive and grow.
- tackle alcohol related harm and to promote health and wellbeing.
- address any negative perceptions around the town centre
- give people a voice in decisions which affect them.
- promote equality, diversity and inclusion.

#### 3.3.2 We will do this by:

##### **Safe environment for people to enjoy:**

- encouraging businesses to develop alternative business models, which do not unduly rely on the high-volume sale of cheap alcohol.
- encouraging businesses to review their 'terminal' hour for licensable activity to reduce the potential for pre-loading and the excessive consumption of alcohol.
- taking tough, firm and effective action with enforcement bodies against those who seek not to comply with the law or those who continue to act in a way that is contrary to the promotion of the Licensing objectives in accordance with our Enforcement Policy.
- working together with partners and the trade to reduce alcohol harm and to promote the responsible retail of alcohol.
- building a credible and robust intelligence base on crime and disorder and alcohol harm that allows firm and proportionate action to be taken.
- providing well-lit areas where people feel safe.

#### 3.3.3 Broaden the appeal of the late night economy:

- create a vibrant town centre with an appropriate mix of retail, commercial, residential and leisure uses.
- playing to the strengths of different areas around the town and to promote future uses that are consistent with the needs and character of those areas.
- to work together to protect the integrity and sustainability of our district centres.
- creating an environment that gives businesses the confidence to move away from high volume vertical drinking towards a broader, higher quality offer.
- promoting a pavement café and restaurant culture.
- encouraging developers and investors, who share our ambitions, to choose to invest in the town.
- closing the gap between the early evening and late-night economy to encourage a more diverse mix of people to enjoy the town centre.
- better understand the needs and expectations of both existing customers and those who currently choose not to use the town centre.
- maximising the appearance of our buildings and street architecture.
- promoting a rich and diverse cultural offer that maximises the use of the public realm.
- ensuring that it is easy to get to and to leave the town.

### 3.3.4 Promote Health and wellbeing:

- ensuring that we make a positive contribution to the alcohol harm reduction strategy.
- reducing underage access to alcohol and to educate young people on the dangers of misusing alcohol.
- tackle with partners illicit goods (alcohol) supply chains that put people at risk.
- working with our partners to access data on alcohol related harm.
- working with partners to promote the responsible retailing of alcohol.
- working as part of the Alcohol Harm Reduction Strategy to reduce alcohol harm, whilst ensuring that alcohol is enjoyed safely and responsibly.
- supporting the work of the Street Pastors.

#### Key Messages:

The Licensing Authority wishes to encourage applications for restaurants and other predominantly seated venues, which do not adversely impact upon the licensing objectives, in contrast to those that predominantly offer vertical drinking. We will be mindful of any deliberate attempt to revert to a vertical drinking offer over time, including any unlicensed use of outdoor space for vertical drinking. We are also mindful of restaurants developing into late night bars. The applicant is strongly advised to set out in their operating schedule how they will maintain an appropriate businesses model, which does not adversely impact on the licensing objectives.

We recognise that events and festivals play a key role in developing a vibrant cultural offer. Applicants are strongly advised to plan the event well in advance to ensure that any application can be determined within the statutory timescales and that appropriate consultation can take place. The Licensing Act does not provide for local exemptions of licensing laws and the Licensing Authority has no local discretion if the statutory provisions are not complied with.

Whilst each applicant will be determined on its relative merits existing premises are strongly advised to consider the impact of their current, or planned, operating hours on the licensing objectives.

## 3.3 Our Objectives (Proposed policy)

### 3.3.1 We want to work together to:

- provide a safe environment for people to enjoy.
- broaden the appeal of the late-night economy
- create an environment that attracts appropriate investment and allows responsible businesses to thrive and grow.
- tackle alcohol related harm and to promote health and wellbeing.
- address any negative perceptions around the town centre
- give people a voice in decisions which affect them.
- promote equality, diversity and inclusion.

### 3.3.2 We will do this by:

#### **Safe environment for people to enjoy:**

- encouraging businesses to develop alternative business models, which do not unduly rely on the high-volume sale of cheap alcohol.
- encouraging businesses to review their 'terminal' hour for licensable activity to reduce the potential for pre-loading and the excessive consumption of alcohol.

- taking tough, firm and effective action with enforcement bodies against those who seek not to comply with the law or those who continue to act in a way that is contrary to the promotion of the Licensing objectives in accordance with our Enforcement Policy.
- improving guardianship and care and to take action against those people who target the vulnerable.
- working together with partners and the trade to reduce alcohol harm and to promote the responsible retail of alcohol.
- building a credible and robust intelligence base on crime and disorder and alcohol harm that allows firm and proportionate action to be taken.
- providing well-lit areas where people feel safe.

### 3.3.3 Broaden the appeal of the late night economy:

- create a vibrant town centre with an appropriate mix of retail, commercial, residential and leisure uses.
- playing to the strengths of different areas around the town and to promote future uses that are consistent with the needs and character of those areas.
- to work together to protect the integrity and sustainability of our district centres.
- creating an environment that gives businesses the confidence to move away from high volume vertical drinking towards a broader, higher quality offer.
- promoting a pavement café and restaurant culture.
- encouraging developers and investors, who share our ambitions, to choose to invest in the town.
- closing the gap between the early evening and late-night economy to encourage a more diverse mix of people to enjoy the town centre.
- better understand the needs and expectations of both existing customers and those who currently choose not to use the town centre.
- maximising the appearance of our buildings and street architecture.
- promoting a rich and diverse cultural offer that maximises the use of the public realm.
- ensuring that it is easy to get to and to leave the town.

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- ensuring that we make a positive contribution to the alcohol harm reduction strategy.
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- tackle with partners illicit goods (alcohol) supply chains that put people at risk.
- working with our partners to access data on alcohol related harm.
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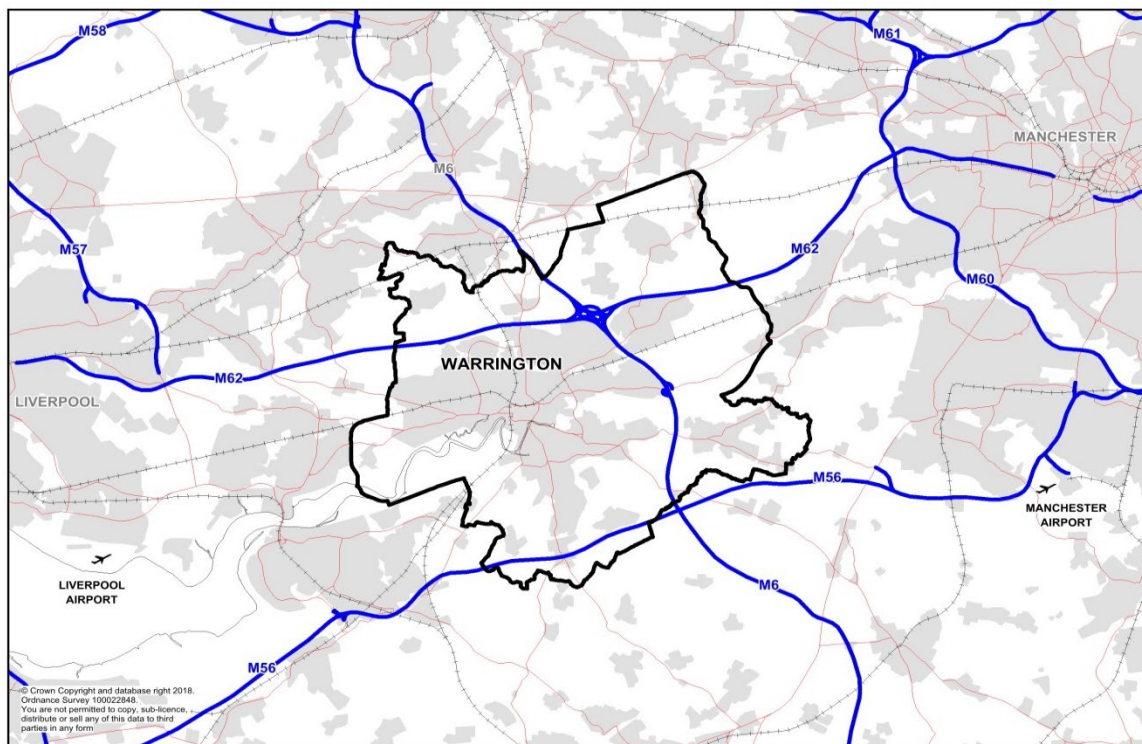
Whilst each applicant will be determined on its relative merits existing premises are strongly advised to consider the impact of their current, or planned, operating hours on the Licensing objectives. A framework of recommended hours is set out in appendix 2, and all premises are encouraged to adopt these hours. Applications must demonstrate how the licensing objectives are to be promoted.

# 4 Profile of Warrington

## 4.1 Location and Profile

- 4.1.1 Warrington has a residential population of some 210,000 people (2020 estimates). It is situated between Manchester and Liverpool at the centre of the northwest region's communications network. The M6, M56 and M62 motorways intersect within the borough, connecting it to all parts of the region and beyond.
- 4.1.2 It is a borough of dramatic contrasts with rural, idyllic villages and industrial heritage. The town of Warrington in the centre of the borough is the largest and most densely populated, with outlying villages such as Lymm, Culcheth and Burtonwood having their own range of shops and services. For further information of the wards of Warrington, ward profiles are available to download.
- 4.1.3 The borough also lies on the main north-south (West Coast Main Line) and east-west (Trans-Pennine) rail routes. Manchester International and Liverpool John Lennon Airports both lie within easy reach.
- 4.1.4 Two significant waterways flow through the main urban area; the River Mersey and the Manchester Ship Canal. The town's crossing point of both river and canal is an essential part of its character.

**Figure 1 Location of Warrington.**



# 5 Licensing objectives

## 5.1 General Principles

- 5.1.1 The licensing objectives fundamentally underpin the Licensing Act and each one is of equal importance. It is important that everyone seeks to proactively promote the licensing objectives at a local level. We will work closely with responsible authorities, enforcement agencies, voluntary groups and responsible premises.
- 5.1.2 We recognise and welcome the role of Street Pastors in promoting the licensing objectives and their overall contribution to providing a safer more welcoming offer within the nighttime economy.

## 5.2 Prevention of Crime and Disorder (Existing policy)

- 5.2.1 This policy is supported by the local Crime and Disorder Reduction Partnership and reflects their concerns. So far as possible, conditions attached to licences and certificates will reflect local crime prevention strategies. This policy also takes account of the council's statutory duty under Section 17 of the Crime and Disorder Act 1998. We will work with partners to do all we can to address alcohol related crime and disorder.
- 5.2.2 It will be a function of the Licensing Authority to take sufficient steps where its discretion is engaged to deter and where possible prevent crime and disorder.
- 5.2.3 The premises licence holder and designated premises supervisor shall be responsible for the day-to-day management of the premises and for promoting the prevention of crime and disorder. This may include but not be limited to the use of CCTV and radio links and the use where necessary of Security Industry Authority registered door staff. Relevant management policies and procedures should also be in place and regular reviews of the steps being taken to promote the prevention of crime and disorder should take place.
- 5.2.4 The Licensing Authority recognises that the prevention of immigration crime forms part of this objective. It is a requirement of the Licensing Authority to check that the applicant for a personal licence or a premises licence involving the sale of alcohol or late night refreshment has a right to work in the UK. We are also mindful of the impact of modern slavery. We work with enforcement agencies on an intelligence basis to deter and detect crime.

## 5.2 Prevention of Crime and Disorder (Proposed policy)

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- 5.2.5 The Licensing Authority recognises that the objective includes drink spiking set out in the guidance issued under section 182 of the Licensing Act.

## 5.3 Public Safety

- 5.3.1 This objective is concerned primarily with the physical safety of the people using the relevant premises. Accordingly, the authority expects premises to be able to demonstrate full compliance with the Health and Safety at Work Act 1974 (and associated secondary legislation/guidance) and Fire Safety Legislation.
- 5.3.2 It is essential that premises covered by this policy statement are constructed or adapted and operated to safeguard occupants against the risks to their safety.
- 5.3.3 Where necessary and appropriate, the authority will encourage applicants to provide evidence within their operating schedule that they have satisfactorily addressed public safety issues with respect to the operation of their premise(s). Licence holders are reminded that they should make adequate provision to ensure that premises users safely leave the premises. This may include but not be limited to providing lighting outside the premises and details on local taxi ranks and companies.
- 5.3.4 The Local Authority will pay particular regard to relevant representations from the council's technical officers as well as from Cheshire Fire and Rescue Service, Cheshire Constabulary, Families and Wellbeing Directorate and Public Health Trusts to determine if measures proposed are sufficient to ensure the safety of the public. The authority will not normally grant an authorisation where relevant representations are made by one of these bodies expressing serious concern regarding public safety unless the applicant can demonstrate compelling reasons why the application should be approved in the light of those representations.
- 5.3.5 Where a relevant representation has been received, prior to the determination of an application for a Premises Licence or Club Premises Certificate, an applicant may be required to provide the authority with such certificates that are necessary and/or appropriate to ensure the safety of the premises.

## 5.4 The Prevention of Public Nuisance

- 5.4.1 Licensed premises have a significant potential to adversely impact on communities through 'public nuisances', which can arise from their operation. The Licensing Authority recognises the need to maintain and protect the living and working amenity and environment of residents and businesses in the vicinity of licensed premises. We also acknowledge the valuable cultural, social and economic role that such premises provide.



- 5.4.2 Applicants will be encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified, and will be implemented and maintained, to minimise, or prevent public nuisance in and around the immediate vicinity of their premises. These measures must be relevant to the individual style and characteristics of their premises and activities. Applicants are advised to engage with Environmental Health at the earliest opportunity.
- 5.4.3 Whilst public nuisance is given a narrow interpretation in many pieces of legislation, it is not narrowly defined in the Act, and retains its broad common law meaning for the purposes of the Act. The prevention of public nuisance can therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community.
- 5.4.4 When addressing this issue, applicants must demonstrate that those factors that impact on public nuisance have been considered.
- 5.4.5 These may include:
- the location of the premises and, in particular the proximity to residential properties
  - where the premises are to include open areas, e.g. pub gardens, and external paved areas the applicant will be encouraged to specify how they intend to minimise nuisance from such areas.
  - the number of people attending the premises
  - the hours of operation and hours of opening if different
  - the nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises.
  - the design and layout of the premises and in particular the presence of noise limiting features.
  - the potential for public nuisance arising from noise and vibration, light pollution, noxious smells, litter and general disturbance.
- 5.4.6 This list is not exclusive, and each case will be judged on its own merits.

## 5.5 The Protection of Children from Harm (Existing policy)

### General Principles:

- 5.5.1 It is unlawful under the Act to permit unaccompanied children, under the age of 16, to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises, under the authorisation of a premises licence, club premises certificate or a temporary event notice.
- 5.5.2 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the town, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently, the risk of harm to children will be a paramount consideration when determining applications, including hot food takeaways. The Licensing Authority recognises that protection from harm includes the protection of children from moral, psychological and physical harm. A key consideration will be the protection of children from sexual exploitation.

- 5.5.3 Applicants should in their operating schedule set the appropriate steps they will take to ensure the proper protection of children. The applicant should carry out an assessment of any risk to children and volunteer appropriate conditions.
- 5.5.4 The Licensing Authority will pay particular attention to premises where representations have been received from responsible authorities, or any other person in respect of any of the following:
- where there have been convictions of members of the current staff or management at the premises for serving alcohol to minors, or with a reputation for underage drinking.
  - where there is a known association with drug taking or dealing.
  - where there is a strong element of gambling on the premises (but not for example the simple presence of a small number of cash prize gaming machines)
  - where entertainment of an adult or sexual nature is commonly provided
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of services provided at the premises
  - where there is a known association with child exploitation, child abuse and or trafficking of children.
- 5.5.5 Where there is clear evidence of any of the above circumstances applying to particular premises, there will be a strong presumption by the Licensing Authority against permitting any access at all for children under 18 years.
- 5.5.6 The Licensing Authority will rarely impose complete bans on access to children, however in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary. Such a condition may become necessary following representations or after a review of a licence has taken place.
- 5.5.7 Requirements may include:
- limitations on the hours when children, or children under certain age limits, may be present.
  - limitations on the parts of premises that children will be allowed to access.
  - limitations or exclusions when certain activities are taking place.
  - full exclusion of people under 18 from the premises when certain licensable activities are taking place.
  - the need for accompanying adults at all or various times.
  - the requirement for proof of age cards or other age identification to prevent the purchase of alcohol by minors.
  - a safeguarding children policy.
- 5.5.8 Operators of premises where children are to be permitted access should have a safeguarding policy in place. This should ensure that they employ or engage a sufficient number of people to secure the protection of children from harm. It should also set out safe recruitment policies and practices, including enhanced checks with the Disclosure and Barring Service (DBS) (formerly the Criminal Records Bureau) for all staff working with children.
- 5.5.9 The Licensing Authority may, in appropriate circumstances, attach conditions to a licence in order to control entertainment specifically aimed at children or otherwise to ensure adequate supervision.

5.5.10 Where no licensing restriction on the admission of children is considered necessary, their admission will remain a matter for the discretion of the individual licence or certificate holder.

### Preventing Underage Sales

5.5.11 The Licensing Authority is committed to tackling the illegal sale of alcohol to children. It encourages licensees to implement an appropriate age verification scheme to reduce the likelihood of underage sales from their premises. Appropriate action, in accordance with our enforcement policy, will be taken, including the review of licenses, where sales persist.

5.5.12 Restricting access to alcohol for children under 18 has been a high priority in Warrington to protect children, to tackle alcohol harm and to reduce anti-social behaviour. The Licensing Authority encourages licensees to have robust management arrangements in place to prevent staff making underage sales.

### Proxy Sales

5.5.13 Appropriate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol. Premise licence holders and designated premises supervisors shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

5.5.14 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is supplied to persons underage.

### Events or Activities for Under 18s

5.5.15 Where entertainment is to be provided specifically for children, and it is likely that a child will be left in the care of a person employed by or contracted to the management of the premises for that purpose, or left in the care of a person using that premises for the provision of children's entertainment, the Licensing Authority expects that enhanced checks with the Disclosure and Barring Service (DBS) are carried out for both the person providing the entertainment and those supervising the children. It may impose this requirement by way of condition, either through the review process, or in the event of the application being subject to representations.

5.5.16 The Licensing Authority expects to see appropriate separation of any event aimed at children from the sale of alcohol, and for the event to take place at a time, and/or location, when children will not be exposed to inappropriate behaviour. The Licensing Authority wishes to see appropriate and reasonable steps taken to prevent adults, who appear to be seeking to groom or sexually exploit children, from entering or leaving the venue.

5.5.17 Licence holders, Designated Premises Supervisors and Personal Licence holders remain responsible for activities taking place on premises when promotions take place. In addition, the Licensing Authority will encourage premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The Promoter and its employees or agents shall comply in all respects with all conditions. It is recommended

that the premises look to produce and adopt their own policies and procedures for such events.

## 5.6 Health and Wellbeing

- 5.6.1 Despite the Government's Alcohol Strategy 2012, setting out the intention to consult on the inclusion of a health-related objective, there is currently no such objective within the Licensing Act 2003. However, Section 104 of the Police Reform and Social Responsibility Act 2011 amended the 2003 Act, with effect from April 2012, to make Primary Care Trusts or Local Health Boards responsible authorities.
- 5.6.2 The Licensing Authority formally recognises that this applies to applications relating to Premises Licences or Club Premises Certificates and closure notices (Section 165(4)) of the 2003 Act; and that health-based representations, where relevant, maybe made with respect to the promotion of the four licensing objectives.
- 5.6.3 The Licensing Authority also acknowledges that Section 2.7 of the Guidance, issued under section 182 of the Licensing Act 2003, with respect to the public safety objective, states that the objective "concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation". However, this does not prevent relevant health bodies, as responsible authorities in their own right, from making relevant representations. It remains the responsibility of each responsible authority to determine whether they have appropriate grounds to make such a representation having regard to appropriate evidence and the circumstances of each case.
- 5.6.4 Licensed premises can promote the licensing objectives and reduce the risk of alcohol harm through the adoption of good management practices. Applicants are advised to set out in their operating schedule what steps they will take to promote the licensing objectives and regard should be given to the evidence in the cumulative impact assessment. This should include but not be limited to the responsible retail of alcohol, the steps to be taken to prevent underage access to alcohol, the safeguarding of patrons and how the premises will not adversely add to existing or likely levels of cumulative impact. The location of premises is particularly relevant with respect to off licences within areas of existing harm.

Whilst each application will be considered on its relative merits, failure to have regard to likely risks and to set out appropriate management controls will result in the increased likelihood of relevant representations against the application. Equally, failure to maintain appropriate management controls is likely to result in action planning by responsible authorities and ultimately an application for review.

## 5.5 The Protection of Children from Harm (Proposed policy)

### General Principles:

- 5.5.1 It is unlawful under the Act to permit unaccompanied children, under the age of 16, to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises, under the authorisation of a premises licence, club premises certificate or a temporary event notice.
- 5.5.2 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the town, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently, the risk of harm to children will be a paramount

consideration when determining applications, including hot food takeaways. The Licensing Authority recognises that protection from harm includes the protection of children from moral, psychological and physical harm. A key consideration will be the protection of children from sexual exploitation. The Licensing Authority recognises that alcohol can be a factor in child exploitation in terms of coercion, and or as a risk-based behaviour. There is also a risk that licensed premises could be used for the purposes of grooming or enticement. We will work closely with the Warrington Safeguarding Partnership.

5.5.3 Applicants should in their operating schedule set the appropriate steps they will take to ensure the proper protection of children. The applicant should carry out an assessment of any risk to children and volunteer appropriate conditions. Applicants should ensure that they and their staff have an awareness of the signs of exploitation and how to report any concerns.

5.5.4 The Licensing Authority will pay particular attention to premises where representations have been received from responsible authorities, or any other person in respect of any of the following:

- where there have been convictions of members of the current staff or management at the premises for serving alcohol to minors, or with a reputation for underage drinking.
- where there is a known association with drug taking or dealing.
- where there is a strong element of gambling on the premises (but not for example the simple presence of a small number of cash prize gaming machines)
- where entertainment of an adult or sexual nature is commonly provided
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of services provided at the premises
- where there is a known association with child exploitation, child abuse and or trafficking of children.

5.5.5 Where there is clear evidence of any of the above circumstances applying to particular premises, there will be a strong presumption by the Licensing Authority against permitting any access at all for children under 18 years.

5.5.6 The Licensing Authority will rarely impose complete bans on access to children, however in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary. Such a condition may become necessary following representations or after a review of a licence has taken place.

5.5.7 Requirements may include:

- limitations on the hours when children, or children under certain age limits, may be present.
- limitations on the parts of premises that children will be allowed to access.
- limitations or exclusions when certain activities are taking place.
- full exclusion of people under 18 from the premises when certain licensable activities are taking place.
- the need for accompanying adults at all or various times.
- the requirement for proof of age cards or other age identification to prevent the purchase of alcohol by minors.
- a safeguarding children policy.

- 5.5.8 Operators of premises where children are to be permitted access should have a safeguarding policy in place. This should ensure that they employ or engage a sufficient number of people to secure the protection of children from harm. It should also set out safe recruitment policies and practices, including enhanced checks with the Disclosure and Barring Service (DBS) (formerly the Criminal Records Bureau) for all staff working with children.
- 5.5.9 The Licensing Authority may, in appropriate circumstances, attach conditions to a licence in order to control entertainment specifically aimed at children or otherwise to ensure adequate supervision.
- 5.5.10 Where no licensing restriction on the admission of children is considered necessary, their admission will remain a matter for the discretion of the individual licence or certificate holder.

### Preventing Underage Sales

- 5.5.11 The Licensing Authority is committed to tackling the illegal sale of alcohol to children. It encourages licensees to implement an appropriate age verification scheme to reduce the likelihood of underage sales from their premises. Appropriate action, in accordance with our enforcement policy, will be taken, including the review of licenses, where sales persist.
- 5.5.12 Restricting access to alcohol for children under 18 has been a high priority in Warrington to protect children, to tackle alcohol harm and to reduce anti-social behaviour. The Licensing Authority encourages licensees to have robust management arrangements in place to prevent staff making underage sales.

### Proxy Sales

- 5.5.13 Appropriate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol. Premise licence holders and designated premises supervisors shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.
- 5.5.14 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is supplied to persons underage.

### Events or Activities for Under 18s

- 5.5.15 Where entertainment is to be provided specifically for children, and it is likely that a child will be left in the care of a person employed by or contracted to the management of the premises for that purpose, or left in the care of a person using that premises for the provision of children's entertainment, the Licensing Authority expects that enhanced checks with the Disclosure and Barring Service (DBS) are carried out for both the person providing the entertainment and those supervising the children. It may impose this requirement by way of condition, either through the review process, or in the event of the application being subject to representations.
- 5.5.16 The Licensing Authority expects to see appropriate separation of any event aimed at children from the sale of alcohol, and for the event to take place at a time, and/or location, when children will not be exposed to inappropriate behaviour. The Licensing Authority wishes to see appropriate and reasonable steps taken to prevent adults, who

appear to be seeking to groom or sexually exploit children, from entering or leaving the venue.

- 5.5.17 Licence holders, Designated Premises Supervisors and Personal Licence holders remain responsible for activities taking place on premises when promotions take place. In addition, the Licensing Authority will encourage premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The Promoter and its employees or agents shall comply in all respects with all conditions. It is recommended that the premises look to produce and adopt their own policies and procedures for such events.

## 5.6 Health and Wellbeing

- 5.6.1 Despite the Government's Alcohol Strategy 2012, setting out the intention to consult on the inclusion of a health-related objective, there is currently no such objective within the Licensing Act 2003. However, Section 104 of the Police Reform and Social Responsibility Act 2011 amended the 2003 Act, with effect from April 2012, to make Primary Care Trusts or Local Health Boards responsible authorities.
- 5.6.2 The Licensing Authority formally recognises that this applies to applications relating to Premises Licences or Club Premises Certificates and closure notices (Section 165(4)) of the 2003 Act; and that health-based representations, where relevant, maybe made with respect to the promotion of the four licensing objectives.
- 5.6.3 The Licensing Authority also acknowledges that Section 2.7 of the Guidance, issued under section 182 of the Licensing Act 2003, with respect to the public safety objective, states that the objective "concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation". However, this does not prevent relevant health bodies, as responsible authorities in their own right, from making relevant representations. It remains the responsibility of each responsible authority to determine whether they have appropriate grounds to make such a representation having regard to appropriate evidence and the circumstances of each case.
- 5.6.4 Licensed premises can promote the licensing objectives and reduce the risk of alcohol harm through the adoption of good management practices. Applicants are advised to set out in their operating schedule what steps they will take to promote the licensing objectives and regard should be given to the evidence in the cumulative impact assessment. This should include but not be limited to the responsible retail of alcohol, the steps to be taken to prevent underage access to alcohol, the safeguarding of patrons and how the premises will not adversely add to existing or likely levels of cumulative impact. The location of premises is particularly relevant with respect to off licences within areas of existing harm.

Whilst each application will be considered on its relative merits, failure to have regard to likely risks and to set out appropriate management controls will result in the increased likelihood of relevant representations against the application. Equally, failure to maintain appropriate management controls is likely to result in action planning by responsible authorities and ultimately an application for review.

# 6 Relationships with related policies and strategies

## 6.1 Introduction

- 6.1.1 When determining this policy, the Licensing Authority has had full regard to other key strategies and policies to ensure that it is fully integrated with them.
- 6.1.2 The Licensing Authority encourages applicants to refer to these strategies and other documents, where appropriate, and to state in their operating schedules what steps they propose to take to promote the licensing objectives in respect of their individual premises.
- 6.1.3 Further information on related strategies is set out in Appendix 3.

## 6.2 Duplication

- 6.2.1 The Licensing Authority will avoid duplication with other regulatory regimes, such as fire safety, health and safety, environmental health and equality duties as far as possible, and will only attach conditions to licences where they are necessary to promote the licensing objectives.
- 6.2.2 The Local Authority will be mindful of the fact that general duties may not adequately address the unique circumstances that may arise at a given premises. Therefore, where relevant representations are received, the authority will consider attaching conditions, where they are considered to be necessary and proportionate for the promotion of the licensing objectives; and are not readily provided for in other legislation.
- 6.2.3 The Licensing Authority may wish to make representations on its own account, e.g. they could include bringing together a number of minor unconnected complaints that themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of conditions, only observed by officers of the Licensing Authority, or which undermine one or more of the licensing objectives.
- 6.2.4 In cases where the Licensing Authority is acting as a responsible authority, there shall be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest.
- 6.2.5 Public Health is now also a responsible authority; making Public Health a responsible authority means that it is able to make representations to the local Licensing Authority regarding concerns about the impact of licensing applications on the local NHS (A&E departments and ambulance services) or more generally the safety of the public within the night-time economy.

## 6.3 Planning

- 6.3.1 The Licensing Authority will ensure that the planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. When, as a result of



a planning permission, the terminal hours permitted for a premise are different from the licensing hours, the licence holder must observe the earlier closing time. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.

- 6.3.2 The granting by the council's Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control approval where appropriate. Applicants for licences are recommended to consult the Local Planning Authority where applicable, to enable proper regard to be had to residential amenity.

## 6.4 Culture

- 6.4.1 The Licensing Authority will encourage and promote a wide range of entertainment, particularly live music, dancing and theatre. Where possible, the Licensing Authority will try to avoid measures which might deter live music, dancing and theatre, such as the imposition of conditions which may involve substantial indirect costs, particularly for charitable, community or voluntary sector events or premises. Accordingly, many of our public open space areas are already licensed to hold various events.

## 6.5 Safeguarding

- 6.5.1 The Licensing Authority will work closely with partners and enforcement agencies to promote appropriate levels of safeguarding. This may include but not be limited to acquiring intelligence of and reducing the risk of underage access to licensed premises, intelligence reports of alleged modern slavery and the protection of users of the nighttime economy, particularly those who may be vulnerable. The Local Authority is mindful that it may not be the primary regulator in such situations, and it will report any intelligence to the appropriate enforcement body and the Community Safety Partnership as appropriate.

## 6.6 Equal Opportunities

- 6.6.1 The council is committed to working with our residents, businesses and partners to create a place that works for all. Developing our understanding of our community is a key part of our approach to delivering this vision.
- 6.6.2 The council has published a Public Sector Equality Report which helps to demonstrate how we are meeting the Public Sector Equality Duty (PSED) under the Equality Act 2010. This duty requires us to publish a range of equality monitoring information relating to people who share a protected characteristic who are affected by our policies and practices. This duty also requires us to publish information relating to the protected characteristics of our workforce. Protected characteristics are defined as: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage and civil partnership.
- 6.6.3 The Licensing Authority recognises that the Equality Act 2010, places a legal obligation on the council as a public authority to have due regard to the need to eliminate unlawful discrimination; harassment and victimisation; to advance equality of opportunity; to foster good relations, between persons with different protected characteristics.
- 6.6.4 The Licensing Authority will comply with the Public Sector Equality Duty and advance equal opportunity by working to promote a safe and welcoming night-time economy with

a broader appeal for all. We will seek to foster good relationships by promoting the public voice and by working in partnership. We will work to eliminate unlawful discrimination by working as a council to fulfil our responsibilities under the Equality Act. We will have due regard to, and give appropriate weight to, protected groups in our decision making. Any application will be considered on its relative merits having regard to the promotion of the licensing objectives and other relevant policy considerations, including equality. The Licensing authority recognises that no policy is absolute and where necessary it may depart from its policy; where it considers it to be necessary and appropriate to do so.

6.6.5 One of our objectives is to give people a voice in decisions which may affect them.

6.6.6 In carrying out its licensing functions, the Licensing Authority recognises its obligation to act compatibly with those Convention Rights incorporated into National Law by virtue of the Human Rights Act 1998.

# 7 Sexual Entertainment

## 7.1 Nudity and Striptease

- 7.1.1 Not all establishments where there are displays of nudity will fall under the definition of “sexual entertainment venue”. Where they do, potential applicants are directed to our Sexual Establishments Policy.
- 7.1.2 Applicants for Premises Licences or Club Premises Certificates under the Licensing Act 2003 must state in the application form whether any adult entertainment will be provided, which may give rise to concern in respect of children. If such entertainment is to be provided, the Licensing Authority will encourage the applicant to have given particular consideration to the promotion of the licensing objectives, in relation to the protection of children from harm, and the prevention of crime and disorder.
- 7.1.3 Following amendments made by the Policing and Crime Act 2009 in respect of the licensing of lap dancing clubs or other premises providing similar sexual entertainment, Warrington Borough Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. This means that the council can control and regulate the operation of certain kinds of sex establishment within its borough. No sex establishment can operate unless it has obtained a licence from the council – any such licence will contain conditions that will restrict how the premises trade. If a premises holds a Sexual Entertainment Venue Licence, and a Licensing Act 2003 licence and they have similar conditions attached to such licences, then the least onerous conditions will apply. However, there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982, that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Premises that provide relevant entertainment that meets this exemption will continue to be regulated under the Licensing Act 2003 – either by Premises Licence, Club Premises Certificate or Temporary Event Notice and must set out in their operating schedules how they will promote the licensing objectives when entertainment of an adult nature is taking place, particularly bearing in mind the objective of the protection of children from harm. Licensees are encouraged to consider if additional conditions are required on such occasions.

# 8 Applications

## 8.1 Introduction (Existing policy)

8.1.1 The Act affects anyone who is involved in or concerned with any of the following:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- the provision of late-night refreshment – this being the supply of hot food and/or drinks from any premises between 11pm and 5am.
- the provision of regulated entertainment

**The types of entertainment regulated by the Act are:**

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (combined fighting sports)
- a performance of live music
- broadcasting of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

8.1.2 No licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people (exhibitions of dance of an adult nature are not de-regulated).

8.1.3 In respect of live music no licence is required where the live music:

**Takes place on a Licensed Premises and is either:**

- Unamplified or;
- amplified but for no more than 500 persons and;
- The music in both (a) and (b) above takes place between 8am and 11pm on the same day on licensed premises.
- Recorded music in on-licensed premises benefits from the same exemption as live music (limited to 500 people).

**Takes place in a workplace which:**

- Is not already licensed for alcohol (Late night refreshment is ok)
- The workplace is so defined in regulation (Health, Safety & Welfare) Regulations 1992
- No more than 500 people are in the audience
- The music takes place between 8am and 11pm on the same day.

**Takes place anywhere else and is:**

- Unamplified and:
- The music takes place between 8am and 11pm on the same day.

8.1.4 Entertainment is only regulated where the entertainment takes place in the presence of an audience and is provided, at least partly, to entertain that audience.

8.1.2 Some activities may take place without a licence or other authorisation. These include:

- incidental music (live or recorded)
- entertainment at a place of public religious worship, or as part of a religious service
- private events, for example a party in a private house
- garden fetes that are not for private gain
- spontaneous singing and dancing
- educational films or those that advertise products
- films shown as part of an exhibition
- morris dancing
- service of hot food or drink to hotel or guesthouse resident
- provision of hot food or drink by registered charities, such as soup kitchens
- provision of entertainment on board moving vehicles
- TV and radio broadcasts

8.1.3 It is an offence to carry out any licensable activity otherwise than under and in accordance with an appropriate licence, and if convicted, offenders can be sentenced to an unlimited fine, six months' imprisonment or both.

8.1.7 This policy covers applications in respect of the following:-

- Premises licence
- Personal licence
- Provisional statement
- Interim authority notice
- Club Premises Certificate
- Change of Designated Premises Supervisor
- Permitted temporary activity

8.1.4 Together with associated applications for the variation, transfer, surrender, withdrawal and review of any of the above.

## 8.1 Introduction (Proposed policy)

8.1.1 The Act affects anyone who is involved in or concerned with any of the following:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- the provision of late-night refreshment – this being the supply of hot food and/or drinks from any premises between 11pm and 5am.
- the provision of regulated entertainment

**The types of entertainment regulated by the Act are:**

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (combined fighting sports)
- a performance of live music
- broadcasting of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

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- private events, for example a party in a private house
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- spontaneous singing and dancing
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- films shown as part of an exhibition
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- service of hot food or drink to hotel or guesthouse resident
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- provision of entertainment on board moving vehicles
- TV and radio broadcasts

8.1.3 It is an offence to carry out any licensable activity otherwise than under and in accordance with an appropriate licence, and if convicted, offenders can be sentenced to an unlimited fine, six months' imprisonment or both.

8.1.4 Together with associated applications for the variation, transfer, surrender, withdrawal and review of any of the above.

## 8.2 Determination of the Application: General Principles

- 8.2.1 Applicants are strongly advised to have regard to this policy statement and other associated guidance and legislation when submitting their application. Compliance with this policy is likely to assist the applicant in reducing the risk of refusal, the addition of unwanted conditions or an objection from a responsible authority or any other person.
- 8.2.2 It is also recommended that applicants consult the responsible authorities and any other persons prior to the submission of their application.
- 8.2.3 The Licensing Authority is impartial and as such all validly made applications will be considered on their individual merits. The Licensing Authority will ensure that there is appropriate separation of its responsibilities in terms of the administration of the application and the role of the Licensing Authority as a responsible authority in its own right.
- 8.2.4 The Licensing Authority cannot refuse to grant or vary a licence or certificate or impose conditions on a licence in the absence of any relevant representations. Without any relevant representations, the Licensing Authority is obliged to issue the licence on the terms sought.
- 8.2.5 If no responsible authority or any other person lodges a relevant representation to the application, the application must be granted as set out in the operating schedule, subject only to mandatory conditions set out under the Act. The steps proposed by the applicant will become conditions of the licence. The Council will have no discretion to refuse the application, or to alter or add to the conditions arising from the operating schedule.
- 8.2.6 We acknowledge the rights of any person or relevant authority to make a representation, an application or indeed to seek the review of a licence, or certificate where this is allowed under the Act. A guide on local licensing and the community can be found on the alcohol licensing website: [alcohollicensing.org.uk](http://alcohollicensing.org.uk)
- 8.2.7 A representation is only relevant where it relates to the likely effects of the grant of the licence on the promotion of at least one of the licensing objectives. A representation from any person must also not be vexatious, frivolous or repetitious for it to be considered.
- 8.2.8 Members of the Licensing Authority can make representations to object to licence applications, or to call for a review on their own behalf, or on behalf of one of their constituents.
- 8.2.9 Where a relevant representation has been made, a hearing will normally be heard by the Licensing Sub-Committee.

## 8.3 The Operating Schedule

- 8.3.1 All new applications and variations should incorporate an 'operating schedule', which outlines how the premises will be operated. The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects the premises licence holder to continue to manage their premises in accordance with their operating schedule.

- 8.3.2 The operating schedule must include all information necessary to enable the Licensing Authority, responsible authorities or other persons to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will mean that applicants will need to complete their own detailed risk assessments on their businesses. Regard will need to be given to the individual style and characteristics of the premises and the proposed business model. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made, including by the Licensing Authority. Where these representations are relevant to the promotion of the Licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary. The Licensing Authority also reserves the right to refuse to accept an application which contains insufficient information to allow its reasonable consideration and subsequent determination.
- 8.3.3 Applicants must have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the Licensing Authority and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in guidance documents.
- 8.3.4 Any proposed changes to the operating schedule must be notified to the Licensing Authority and depending on the nature of the changes proposed, the Licensing Authority may require a new Premises Licence application or the submission of an application to vary the existing licence.
- 8.3.5 The Licensing Authority will translate the content of the operating schedule into appropriate conditions.

#### Key message

The Licensing Authority expects all applicants for the grant or variation of a Premises Licence, or Club Premises Certificate, to demonstrate in their operating schedule that suitable and sufficient measures have been identified, and will be implemented and maintained, to promote the four Licensing objectives on, and in, the immediate area of their premises. Failure to do so increases the likelihood of the application being refused due to lack of information, or for representations against the application to be made. In the event of a hearing, the Licensing Sub-Committee may consider the imposition of appropriate conditions, to promote the licensing objectives, or refuse the application.

## 8.4 Personal Licences (Existing policy)

- 8.4.1 A “Personal Licence” is a licence granted by a Licensing Authority to an individual and which authorises that individual to supply alcohol or authorise the supply of alcohol in accordance with a premises licence.
- 8.4.2 Any person aged 18 or over who carries on or who proposes to carry on, a business which involves the use of the premises for licensable activities must apply to the Licensing Authority for a Premises Licence.
- 8.4.3 An individual aged 18 years or over may apply to the relevant Licensing Authority for the grant of a personal licence at any time. Where an applicant is ordinarily resident in the area of a Licensing Authority, the application must be made to that authority, and in any other case the application may be made to any Licensing Authority.



8.4.2 An applicant will be entitled to the grant of a Personal Licence if they meet the following criteria:

- a) They are aged 18 or over
- b) They possess a licensing qualification accredited by the Secretary of State or are a person of a description prescribed by the Secretary of State
- c) They have not had forfeited a Personal Licence within 5 years of their application
- d) They must have the right to work in the UK.
- e) They have not been convicted of a relevant offence or any foreign offence. See Appendix 6 for the meaning of the term 'foreign offence' and relevant offences.

8.4.3 A conviction for a relevant offence, or a foreign offence, will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

8.4.4 Applicants are required to produce to the council, with their application, a current (no more than 1 month old at the date of application) Disclosure Barring Service (DBS) Certificate (formerly a Criminal Records Bureau Certificate) and make a declaration as to whether or not they have been convicted of a relevant offence, or an equivalent foreign offence. It is recommended that applicants contact the DBS for information on how a DBS Certificate may be obtained. Where applicable, applicants are also required to produce one of the prescribed documents listed at Annex A of the statutory guidance to show that the Applicant has the right to be in the UK and to undertake work in a licensable activity. This also applies to individuals applying for a Premises Licence.

8.4.5 The Council will reject the application if it appears that an applicant fails to meet the requirements of (a) (b) (c) or (d).

8.4.6 Where it appears to the Council that the applicant meets the requirements of (a), (b) & (c), but fails to meet the condition set out in (d), the Council will notify the Chief Officer of Police accordingly. If the Chief Officer of Police makes no objection within 14 days, from receipt of the notice, the Council will grant the application. In any other case (i.e. where the Chief Officer of Police considers that the grant of the licence would undermine the crime prevention objective), the matter will be determined at a hearing before the Licensing Sub-Committee.

8.4.5 Applicants are strongly urged to take advantage of appropriate training courses which have been designed to support the licensing objectives. In addition to the National Certificate for Personal Licence Holders, further qualifications e.g. Drugs Awareness Certificate; the Barperson's National Certificate and the Professional Barperson's Certificate, BIIAB Awards on Responsible Retailing and Designated Premises Supervisor, etc. are also offered. The Families and Wellbeing Directorate can also advise on child sexual exploitation.

8.4.8 Any person aged 18 or over who carries on or who proposes to carry on, a business which involves the use of the premises for licensable activities must apply to the Licensing Authority for a Premises Licence.

## 8.4 Personal Licences (Proposed policy)

- 8.4.1 A “Personal Licence” is a licence granted by a Licensing Authority to an individual and which authorises that individual to supply alcohol or authorise the supply of alcohol in accordance with a premises licence.
- 8.4.2 Any person aged 18 or over who carries on or who proposes to carry on, a business which involves the use of the premises for licensable activities must apply to the Licensing Authority for a Premises Licence.
- 8.4.3 An individual aged 18 years or over may apply to the relevant Licensing Authority for the grant of a personal licence at any time. Where an applicant is ordinarily resident in the area of a Licensing Authority, the application must be made to that authority, and in any other case the application may be made to any Licensing Authority.
- 8.4.4 Applicants are required to produce to the council, with their application, a current (no more than 1 month old at the date of application) Disclosure Barring Service (DBS) Certificate (formerly a Criminal Records Bureau Certificate) and make a declaration as to whether or not they have been convicted of a relevant offence, or an equivalent foreign offence. It is recommended that applicants contact the DBS for information on how a DBS Certificate may be obtained. Where applicable, applicants are also required to produce one of the prescribed documents listed at Annex A of the statutory guidance to show that the Applicant has the right to be in the UK and to undertake work in a licensable activity. This also applies to individuals applying for a Premises Licence.
- 8.4.5 Applicants are strongly urged to take advantage of appropriate training courses which have been designed to support the licensing objectives. In addition to the National Certificate for Personal Licence Holders, further qualifications e.g. Drugs Awareness Certificate; the Barperson’s National Certificate and the Professional Barperson’s Certificate, BIIAB Awards on Responsible Retailing and Designated Premises Supervisor, etc. are also offered. The Families and Wellbeing Directorate can also advise on child sexual exploitation.

## 8.5 Premises Licences/Club Certificates (Existing policy)

8.5.1 Where it is proposed that public access to the premises will be restricted and that alcohol will be sold to members and their guests only other than for profit (premises traditionally known as 'Registered Members' Clubs'), the Act requires that a Club Premises Certificate be obtained.

8.5.2 The grant of a Club Premises Certificate will entitle the club to certain benefits e.g. there will be no need for an employee or member to hold a Personal Licence for the supply of alcohol to members/guests, nor will it be necessary to specify a designated premises supervisor.

8.5.3 The application process for a Club Premises Certificate is very similar to that for a Premises Licence, and references in this Policy to a Premises Licence, will also therefore include a Club Premises Certificate.

8.5.4 Club Premises Certificates will be issued to Qualifying Clubs formerly Registered Members Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members.

8.5.4 Where a club intends to admit the general public to a regulated entertainment event then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and there is a Premises Licence, then there will also be a requirement to obtain a Personal Licence. Temporary Event Notices are subject to certain restrictions.

8.5.5 An application for a **Premises Licence** must be accompanied by:

- the appropriate fee
  - a plan of the premises to which the application relates
  - an operating schedule
  - \*if the application involves the supply of alcohol, a form of consent signed by the person who is to be specified in the licence as the Designated Premises Supervisor (this will normally be the person who has day to day responsibility for management of the premises).
- \*not required for applications for Club Premises Certificates

8.5.6 All applications for a Premises Licence or a variation to a Premises Licence need to be supported by an operating schedule. This schedule should specify the steps, which the applicant proposes to promote **each** of the licensing objectives.

8.5.8 The applicant must advertise the application on the premises on pale blue A4 size paper with the text print in black font of at least size 16. You must display a notice on the premises for a period of no less than 28 consecutive days starting on the day after the day which the application was submitted to the relevant Licensing Authority. For large premises further notices must be displayed every fifty metres along the external perimeter of the premises. The applicant must place the notice in a local newspaper. It

must be published at least once during a period of ten working days, starting the day after the application was submitted to the local authority.

8.5.7 Where there are relevant representations, the matter will be referred to the Licensing Sub-Committee.

8.5.8 In addition to a general description of the style and character of the business to be conducted on the premises the applicant must include within the operating schedule details of the following matters:

- the relevant licensable activities to be conducted on the premises.
- the times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods/special occasions and during particular seasons, if it is likely that the times would be different during different parts of the year).
- any other times during which it is proposed that the premises are to be open to the public or to members of a club (these need not necessarily be the same times as those during which the licensable activities are to take place).
- where the applicant proposes that the licence should be in effect for a limited period (e.g. for an open-air festival), the relevant period sought.
- where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the person who the applicant wishes to be specified in the licence as the Designated Premises Supervisor.
- where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on or off the premises, or both.
- where the relevant licensable activities include performance of dance, applicants must state whether it is proposed that the dancing will involve striptease or lap-dancing.
- where the relevant licensable activities include music, the type of music (e.g. amplified, pre-recorded) and the setting in which it is to be provided.
- the steps which the applicant proposes to take to promote the licensing objectives.
- 
- **This list is not exhaustive and the Secretary of State may prescribe other matters.**

## 8.5 Premises Licences/Club Certificates (Proposed policy)

8.5.1 Where it is proposed that public access to the premises will be restricted and that alcohol will be sold to members and their guests only other than for profit (premises traditionally known as 'Registered Members' Clubs'), the Act requires that a Club Premises Certificate be obtained.

8.5.2 The grant of a Club Premises Certificate will entitle the club to certain benefits e.g. there will be no need for an employee or member to hold a Personal Licence for the supply of alcohol to members/guests, nor will it be necessary to specify a designated premises supervisor.

8.5.3 The application process for a Club Premises Certificate is very similar to that for a Premises Licence, and references in this Policy to a Premises Licence, will also therefore include a Club Premises Certificate.

8.5.4 Where a club intends to admit the general public to a regulated entertainment event then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and

there is a Premises Licence, then there will also be a requirement to obtain a Personal Licence. Temporary Event Notices are subject to certain restrictions.

8.5.5 An application for a **Premises Licence** must be accompanied by:

- the appropriate fee
- a plan of the premises to which the application relates
- an operating schedule
- \*if the application involves the supply of alcohol, a form of consent signed by the person who is to be specified in the licence as the Designated Premises Supervisor (this will normally be the person who has day to day responsibility for management of the premises).
- \*not required for applications for Club Premises Certificates

8.5.6 All applications for a Premises Licence or a variation to a Premises Licence need to be supported by an operating schedule. This schedule should specify the steps, which the applicant proposes to promote **each** of the licensing objectives.

8.5.7 Where there are relevant representations, the matter will be referred to the Licensing Sub-Committee.

8.5.8 In addition to a general description of the style and character of the business to be conducted on the premises the applicant must include within the operating schedule details of the following matters:

- the relevant licensable activities to be conducted on the premises
- the times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods/special occasions and during particular seasons, if it is likely that the times would be different during different parts of the year)
- any other times during which it is proposed that the premises are to be open to the public or to members of a club (these need not necessarily be the same times as those during which the licensable activities are to take place)
- where the applicant proposes that the licence should be in effect for a limited period (e.g. for an open-air festival), the relevant period sought.
- where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the person who the applicant wishes to be specified in the licence as the Designated Premises Supervisor
- where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on or off the premises, or both.
- where the relevant licensable activities include performance of dance, applicants must state whether it is proposed that the dancing will involve striptease or lap-dancing.
- where the relevant licensable activities include music, the type of music (e.g. amplified, pre-recorded) and the setting in which it is to be provided.
- the steps which the applicant proposes to take to promote the licensing objectives.
- 
- **This list is not exhaustive and the Secretary of State may prescribe other matters.**

## 8.6 Variations to a Premise Licence (Existing policy)

8.6.1 Where a Premises Licence holder wishes to amend the licence, the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new premises licence. The process will depend on the nature of the variation and its potential impact on the licensing objectives.

8.6.2 There are two types of variation a minor variation and a full variation.

8.6.3 Minor variations will generally fall into four categories:

- minor changes to the structure or layout of the premises
- small adjustments to licensing hours
- removal of out of date, irrelevant or unenforceable conditions or addition of conditions volunteered by the applicant
- the addition of certain licensable activities (except supply of alcohol) or removal of activities.

8.6.4 An application may not be made for a minor variation so as to:

- extend the licensable hours.
- vary substantially the premises to which it relates.
- add the sale by retail or supply of alcohol as an activity.
- authorise:
  - the sale by retail or supply of alcohol at any time between 11pm and 7am; or
  - an increase in the amount of time on any day during which alcohol may be sold by retail or supplied.

8.6.5 Such changes are excluded from the minor variations process and must be treated as full variations. In all cases, the test will be whether the proposed variation could impact adversely on the licensing objectives.

8.6.6 Minor variations differ from any other Premises Licence application. The Licensing Authority must process and determine the application within 15 working days. Day one of the application is the first working day after the day the application is accepted.

8.6.6 An applicant can volunteer conditions as part of a minor variation, whether from their own risk assessment, or after informal discussions with the responsible authorities.

8.6.8 There is no requirement for the applicant to advertise the application in the local press.

8.6.9 The applicant must advertise the application on the premises on white A4 size paper for a period of ten working days.

8.6.10 There are no hearing provisions under the minor variation process.

8.6.11 Full variations – are generally applications that may impact on the Licensing objectives.

8.6.12 The process for applying for a full variation is very similar to the process of applying for a new Premises Licence – the application must be copied to the responsible authorities and a notice must be placed on the premises and in the local press. Applicants will also be required to submit an operating schedule to address the additional steps required in relation to the variation.

## 8.6 Variations to a Premise Licence (Proposed policy)

8.6.1 Where a Premises Licence holder wishes to amend the licence, the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new premises licence. The process will depend on the nature of the variation and its potential impact on the licensing objectives.

8.6.2 There are two types of variation a minor variation and a full variation.

8.6.3 Minor variations will generally fall into four categories:

- minor changes to the structure or layout of the premises
- small adjustments to licensing hours
- removal of out of date, irrelevant or unenforceable conditions or addition of conditions volunteered by the applicant
- the addition of certain licensable activities (except supply of alcohol) or removal of activities.

8.6.4 An application may not be made for a minor variation so as to:

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- authorise:
  - the sale by retail or supply of alcohol at any time between 11pm and 7am; or
  - an increase in the amount of time on any day during which alcohol may be sold by retail or supplied.

8.6.5 Such changes are excluded from the minor variations process and must be treated as full variations. In all cases, the test will be whether the proposed variation could impact adversely on the licensing objectives.

8.6.6 An applicant can volunteer conditions as part of a minor variation, whether from their own risk assessment, or after informal discussions with the responsible authorities.

## 8.7 Transfer of a Premises Licence

8.7.1 A person (including a business) who meets the criteria for applying for a Premises Licence can apply for a transfer of an existing Premises Licence. When applying for a transfer the written consent of the outgoing Premises Licence holder will normally be required. There is a written application process which involves giving notice to the Chief Officer of Police of Cheshire Constabulary and (where the sale of alcohol or late-night refreshment is to be authorised) to the Secretary of State. The Applicant must also notify the current Designated Premises Supervisor. If objections are received within the prescribed timeframe, the application will be determined by the Licensing Sub-Committee.

## 8.8 Temporary Event Notices – existing policy

8.8.1 The Licensing Authority recognises that a Temporary Event Notice (TEN) allows applicants an element of flexibility and that the process is intended to be light touch. It is, however, important that applicants apply within the statutory timescales and that as much notice as possible is given. The Licensing Authority cannot exercise local discretion in this matter.

8.8.2 It is noted that the Licensing Act 2003, does not define what is meant by a TEN, simply referring to a system of permitted temporary activities, as opposed to the definitive requirement for a specific event. A temporary event can take place in or at a place which is otherwise unlicensed. A clear description of the area and the licensable activity to be held should be included in the notice, together with a description of how it is intended to control numbers. However, applications for TENs at existing licensed premises, where the proposal is simply to extend the existing hours of operation, particularly within any cumulative impact area, will be subject to increased scrutiny. Experience has shown that objections are likely to be received. It is strongly recommended that the Premises Licence holder seeks the views of responsible authorities at the earliest opportunity. The person applying for the TEN should also consider whether it would be appropriate to transfer existing conditions from the Premises Licence, to promote the licensing objectives, and to ensure that the event is appropriately managed.

8.8.3 All licensees, or managers of licensed premises, applicants for Premises Licences and premises users intending to use Temporary Event Notices are advised to undertake a risk assessment, to ensure that each of the four licensing objectives are considered and addressed prior to any event .

8.8.4 Temporary Event Notices must be prominently displayed at the premises.

#### Standard and Late TENs

8.8.5 Temporary Event Notices (TENs). There are two types of TEN and each are subject to different processes:

- A Standard TEN: These must be given no later than 10 working days prior to the event to which it relates.
- Late TEN: These must be given not before 9 and not later than 5 working days prior to the event.

8.8.6 The Chief Officer of Police and the Local Authority exercising Environmental Health functions are empowered to object to TENs and have 3 working days beginning the day after the notice has been received to make an objection.

8.8.7 The grounds for an objection to a TEN must be that one or more of the Licensing objectives would be undermined as a result of allowing the temporary event to proceed.

8.8.8 In the case of a standard TEN, following an objection notice from the Police or the Local Authority exercising Environmental Health functions, a hearing must be held by members of the Licensing Sub-Committee, unless all parties agree that a hearing can be dispensed with.

8.8.9 Members of the Licensing Sub-Committee have the following options available to them in determining any Temporary Event Notice:

- Allow the licensable activities to go ahead as stated in the notice;
- Issue a Counter Notice under Section 105(2) of “the Act” if members consider it necessary for the promotion of the Licensing objectives to do so. The temporary event may not proceed if a Counter Notice is given;
- Impose one or more conditions on the Temporary Events Notice if they consider it appropriate for the promotion of the Licensing objectives to do so. The conditions can be imposed on a standard TEN if the conditions are:



1. Imposed on a Premises Licence or Club Premises Certificate that has effect in respect of the same premises or any part of the same premises as the Temporary Event Notice.
2. Consistent with the carrying out of licensable activities which forms part of the Temporary Event Notice.

- The temporary event may proceed subject to the conditions attached to them.

- 8.8.11 In the case of a late TEN, if an objection is made to a Late TEN, the event will not go ahead and the Licensing Authority must give the premises user a counter notice at least 24 hours prior to the beginning of the TEN period. There is no facility for a hearing to be held by the Licensing Sub-Committee to determine the Late TEN; the requirement for the issue of the Counter Notice is statutorily automatic upon receipt of an objection notice. There is no scope to modification of a late TEN.
- 8.8.12 Limits for TENs: A Personal Licence holder can have 50 Standard TENs and 10 Late TENs per calendar year. Others can have 5 Standard TEN's and 2 Late TENs per calendar year.
- 8.8.13 An individual must be aged 18 or over to give a TEN.
- 8.8.14 The number of days a premises can have the benefit of a TEN is 21 days.
- 8.8.15 The maximum period of a TEN is 168 hours (7 days).
- 8.8.16 The maximum number of TENs that can be made in respect of any one premises is 15 per calendar year.
- 8.8.17 The law states that for Standard TENs at least ten clear working day's notice must be given to the Police, the Local Authority exercising Environmental Health functions and the Licensing Authority prior to the date of the event. The Licensing Authority recommends that at least 28 day's notice be given to hold such events, to allow consideration of the application, and full guidance to be given to organisers to run their event in a proper manner, and to pass on any relevant local information.
- 8.8.18 There must be a minimum of 24 hours between events notified by the premises user in respect of the same premises. A notice will be treated as being given by the same 'premises user' if it is given by an associate of that person (which is defined by the Act as including spouses/civil partners, relatives, agents and employees of the premises user).
- 8.8.19 The Council must give the premises user a counter-notice if the above limitations are not being observed.
- 8.8.20 It should be noted that for events concerning more than 499 people a Time Limited Premises Licence will be required.

## 8.8 Temporary Event Notices (Proposed policy)

- 8.8.1 The Licensing Authority recognises that a Temporary Event Notice (TEN) allows applicants an element of flexibility and that the process is intended to be light touch. It is, however, important that applicants apply within the statutory timescales and that as much notice as possible is given. The Licensing Authority cannot exercise local discretion in this matter.

- 8.8.2 It is noted that the Licensing Act 2003, does not define what is meant by a TEN, simply referring to a system of permitted temporary activities, as opposed to the definitive requirement for a specific event. A temporary event can take place in or at a place which is otherwise unlicensed. A clear description of the area and the licensable activity to be held should be included in the notice, together with a description of how it is intended to control numbers. However, applications for TENs at existing licensed premises, where the proposal is simply to extend the existing hours of operation, particularly within any cumulative impact area, will be subject to increased scrutiny. Experience has shown that objections are likely to be received. It is strongly recommended that the Premises Licence holder seeks the views of responsible authorities at the earliest opportunity. The person applying for the TEN should also consider whether it would be appropriate to transfer existing conditions from the Premises Licence, to promote the licensing objectives, and to ensure that the event is appropriately managed.
- 8.8.3 All licensees, or managers of licensed premises, applicants for Premises Licences and premises users intending to use Temporary Event Notices are advised to undertake a risk assessment, to ensure that each of the four licensing objectives are considered and addressed prior to any event .
- 8.8.4 Temporary Event Notices must be prominently displayed at the premises.

# 9 Suspension of Premise Licence for non-payment of fees

## 9.1 Introduction (Existing policy)

- 9.1.1 Part 2 of the Police and Social Responsibility Act 2011, introduced changes to the Licensing Act 2003, requiring Licensing Authorities to suspend a Premises Licence, or Club Premises Certificate, if the annual fee is not paid when due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before, or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the Licensing Authority, and the Premises licence or Club Premises Certificate holder, an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.
- 9.1.2 If the Licensing Authority intends to suspend a licence or certificate, it will notify the holder in writing and specify the date on which the suspension will take effect; this date will be 14 days after the day the Authority gives notice.
- 9.1.3 A suspension ceases to have effect on the day on which the Licensing Authority receives payment of the outstanding fee.
- 9.1.2 For premises where the licence has been suspended all licensable activity should cease immediately. Should licensable activities continue on the premises following suspension; then action consistent with the council's published enforcement policy will be taken against those person or persons responsible.

## 9.1 Introduction (Proposed policy)

- 9.1.1 Part 2 of the Police and Social Responsibility Act 2011, introduced changes to the Licensing Act 2003, requiring Licensing Authorities to suspend a Premises Licence, or Club Premises Certificate, if the annual fee is not paid when due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before, or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the Licensing Authority, and the Premises licence or Club Premises Certificate holder, an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.
- 9.1.2 For premises where the licence has been suspended all licensable activity should cease immediately. Should licensable activities continue on the premises following suspension; then action consistent with the council's published enforcement policy will be taken against those person or persons responsible.

# 10 Premises Management

## 10.1 Governing Principles

10.1.1 The Licensing Authority seeks to promote mixed use premises, which promote the responsible retail of alcohol and non-alcoholic drinks, alongside appropriate entertainment and food. Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged but if made, the operating schedule should demonstrate robust arrangements for promoting each of the licensing objectives. The Licensing Authority recommends that on-sales premises, as a minimum, look to consider the following with their operating schedule:

- increase seating and reduce the space dedicated for vertical drinking
- reduce the volume of music as part of the creation of an environment that seeks to promote the responsible consumption of alcohol
- actively promote designated driver schemes
- make food available.

10.1.2 Warrington already has a large number of licensed premises operating in a densely populated area within the town centre. Experience has shown that the design and offer within premises can have a strong influence on levels of drinking and behaviour. We wish to close the gap between the day-time and night-time economy and to broaden the appeal of the town centre.

10.1.3 The Licensing Authority encourages licensees to operate to the highest standards of management, and to co-operate with responsible authorities, to prevent:

- The sale of alcohol to underage children
- Drunkenness of patrons
- Irresponsible drinks promotions
- the use of licensed premises to groom/sexually exploit children

10.1.4 Where the Licensing Authority receives representations from responsible authorities that the management of a premises is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or anti-social behaviour, the Licensing Authority will at any subsequent review consider imposing additional restrictions and controls to prevent or minimise, the impact.

10.1.5 Licensing enforcement is a strong, multi-agency activity and it is important that this work is co-ordinated between agencies to deliver sustainable solutions. The need for intervention will be risk-based and take full account of data, intelligence and information available to both the Council and responsible authorities.

10.1.6 Where appropriate the Licensing Authority will consider imposing controls on products sold where representations indicate localised problems. This provision could include prohibiting the sale of super-strength beer, lager and cider, in premises as part of a package of measures to deal with problems associated with street drinking.

## 10.2 Sufficient Steps to Protect Against Terrorist Acts (Existing policy)

10.2.1 The Licensing Authority encourages premises to produce and maintain appropriate general and technical risk assessments, management procedures and other documentation. This should be made available to the relevant responsible authority, and to the Licensing Authority upon request, in order to demonstrate that the public will be safe within and in the vicinity of the premises. It is advisable to include clearly defined responsibilities and procedures for medical and other emergencies, and for calling the emergency services.

## 10.2 Sufficient Steps to Protect Against Terrorist Acts (Proposed policy)

10.2.1 The Licensing Authority encourages premises to produce and maintain appropriate general and technical risk assessments, management procedures and other documentation. This should be made available to the relevant responsible authority, and to the Licensing Authority upon request, in order to demonstrate that the public will be safe within and in the vicinity of the premises. It is advisable to include clearly defined responsibilities and procedures for medical and other emergencies, and for calling the emergency services.

10.2.2 The council recognises the need to ensure that necessary and proportionate steps are taken to protect the public. Without prejudice to any legal requirement or duty the council expects premises managers to have taken appropriate steps including:

- That all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training.
- That the premises manager and security supervisor/manager can evidence attendance at a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel as soon as reasonably practicable.
- That Designated Premises Supervisors in all cases must have registered to have attended a CTPNW course within 28 days of being named on the licence and be able to evidence this if requested by the Police or an authorised officer of the council.
- That there should be a document security assessment and plan, which must incorporate counter terrorism measures for the premises, based on Guide, Shelter and Communicate, this should be reviewed following any change in national threat level, or any grant of a variation. All any reviews and changes should be documented.

## 10.3 Promoting Compliance, Tackling Poor Performance

10.3.1 The Licensing Authority recognises that many licensees work hard to promote safe and attractive venues.

### Best Bar None

10.3.2 We support and welcome the actions of responsible business who seek to promote best practice. Best Bar None is a national scheme that seeks to recognise those premises who have demonstrated that they have achieved a prescribed standard of premises management.

## Drink Less Enjoy More

- 10.3.3 The Licensing Authority wants people to be able to enjoy a night out. It is important that people take responsibility for their health and personal safety and that licensees comply with the Act and the conditions of their licence. Drink Less Enjoy More is a campaign that seeks to promote this message.

### Ask Angela

- 10.3.4 Licensed premises are often a place where we may meet new friends or recent acquaintances, or where we may feel vulnerable. A significant number of responsible premises have joined the Ask Angela campaign, which enables people to seek assistance from staff at the premises if they feel threatened or vulnerable. We support the operation of this scheme.

### Pubwatch

- 10.3.5 The borough wide Pubwatch network encourages licensees to work together to promote the Licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the Licensing Authority, the Police and other responsible authorities, where they are invited to attend.
- 10.3.6 The Licensing Authority recognises the independent role of the Pubwatch scheme; however, we would encourage all licensees to actively participate in their local scheme. The Licensing Authority considers that active attendance helps to promote the Licensing objectives,

## 10.4 Framework of Hours (Existing policy)

- 10.4.1 The current staggered closing times of licensed premises has developed since 2005. There is evidence to show that the later opening hours have brought increased levels of crime, disorder and potential for nuisance (see the Cumulative Impact evidence).
- 10.4.2 Having considered the evidence of alcohol related crime, disorder and antisocial behaviour, and the number of late night premises,
- 10.4.1 The Licensing Authority has adopted a framework of recommended hours for each area.
- 10.4.2 A framework of recommended hours has been developed following consultation with responsible authorities and having regard to available evidence, which shows that longer operating hours are associated with an increased risk of crime and disorder. The recommended hours are contained within appendix 2. These relate to the cessation of licensable activity, however, the Licensing Authority considers that the 'terminal hour' of the premises should be within 30 minutes of the cessation of licensable activity. The recommended hours for each area have been set having regard to the available evidence, the likely negative impact on the Licensing objectives, the potential to add to the cumulative impact, to protect the integrity and needs for each area and having regard to an element of socio-economic appraisal; based upon the trading hours of existing premises.
- 10.4.3 The hours are not predetermined, and each application will still be considered on its relative merits. Applicants are strongly recommended to set out in their operating schedule how they will actively promote the licensing objectives, having regard to, amongst other issues, the intended hours of operation.

- 10.4.4 The Licensing Authority wishes all existing licensed premises holders to actively consider their existing business model and to seek opportunities to contribute to a vibrant night-time economy, which moves away from high volume, late night, vertical sales of cheap alcohol. This includes consistency with the recommended framework of hours, which have been adopted based on the likely negative impact on the licensing objectives. Regard has been given to an element of socio-economic appraisal; based upon the trading hours of existing premises. The Licensing Authority recognises that they represent the minimum recommended hours and that significant betterment, in terms of the licensing objectives, can be delivered via the adoption of earlier trading hours below the recommended hours.
- 10.4.5 Responsible authorities, including the Licensing Authority, will have due regard to this Statement of Licensing Policy, Cumulative Impact Policy, and the recommended framework of hours in determining any application. Experience has shown that it is likely that relevant representations will be received where there is insufficient detail in the operating schedule, or where the application is intended solely to extend the hours of operation beyond the recommended framework of hours, including temporary event notices. Each application will be determined on its relative merits.
- 10.4.6 The effect of adopting a special Cumulative Impact Policy is to create a rebuttable presumption, that applications for the grant or variation of a Premises Licence or Club Premises Certificate, which are likely to add to the existing cumulative impact, will normally be refused or subject to certain limitations, following relevant representations. Applicants for new premises within a Cumulative Impact Area will engage the special policy and the rebuttable presumption for refusal, where a relevant representation is received. In determining whether any new application will add to the existing cumulative impact, and thus adversely affect the promotion of the licensing objectives, regard will be given to the recommended framework of hours for each area. Applicants are encouraged to consider applying for hours below the minimum recommended framework of hours within their operating schedule, as part of the rationale as to why the application will not add to the cumulative impact, or undermine the licensing objectives.
- 10.4.7 We equally recognise that it is important that each case is determined on its relative merits, and there will be no presumption that applications within the proposed framework of hours will be granted. If no representations are received the application will be granted by the Licensing Authority under delegated powers.
- 10.4.8 Applicants are asked to ensure, where possible, that their hours are consistent with those permitted under their planning permission and that the opening hours allow for a suitable dispersal policy.

#### Key message:

Each application will be considered on its relative merits and the recommended hours are not pre-determined. However we would advise all potential applicants to be mindful of the recommended framework of hours, when submitting applications, and the need for early consultation with responsible authorities. Sufficient detail should be provided within the operating schedule.

The council, outside of its remit as the Licensing Authority, will work with any business who wishes to develop a sustainable business model that is not solely based on the late-night supply of cheap alcohol, in a vertical drinking environment.

## 10.4 Framework of Hours (Proposed policy)

- 10.4.1 The Licensing Authority has adopted a framework of recommended hours for each area.
- 10.4.2 Recommended hours are contained within appendix 2. These relate to the cessation of licensable activity; however, the Licensing Authority considers that the 'terminal hour' of the premises should be within 30 minutes of the cessation of licensable activity
- 10.4.3 The hours are not predetermined, and each application will still be considered on its relative merits. Applicants are strongly recommended to set out in their operating schedule how they will actively promote the licensing objectives, having regard to, amongst other issues, the intended hours of operation.
- 10.4.4 The Licensing Authority wishes all existing licensed premises holders to actively consider their existing business model and to seek opportunities to contribute to a vibrant night-time economy, which moves away from high volume, late night, vertical sales of cheap alcohol. This includes consistency with the recommended framework of hours, which have been adopted based on the likely negative impact on the licensing objectives. Regard has been given to an element of socio-economic appraisal; based upon the trading hours of existing premises. The Licensing Authority recognises that they represent the minimum recommended hours and that significant betterment, in terms of the licensing objectives, can be delivered via the adoption of earlier trading hours below the recommended hours.
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#### Key message:

Each application will be considered on its relative merits and the recommended hours are not pre-determined. However we would advise all potential applicants to be mindful of the recommended framework of hours, when submitting applications, and the need for early consultation with responsible authorities. Sufficient detail should be provided within the operating schedule.

The council, outside of its remit as the Licensing Authority, will work with any business who wishes to develop a sustainable business model that is not solely based on the late-night supply of cheap alcohol, in a vertical drinking environment.

## 10.5 Designated Premises Supervisor

10.5.1 Any premises where alcohol is sold under a Premises Licence must have a Designated Premises Supervisor (DPS). The DPS will be named in the Premises Licence, a summary of which must be displayed on the premises. A DPS must be a Personal Licence holder. Every sale of alcohol must be made, or authorised, by a person who holds a Personal Licence (or must be made, or authorised, by the management committee in the case of community premises).

10.5.2 The Licensing Act 2003 does not require a DPS or any other Personal Licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the Premises Licence holder remain responsible for the premises.

10.5.3 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. It is incumbent on the DPS to demonstrate what controls are in place to govern the sale of alcohol, we would recommend that they are present for a minimum of 50% of the time when the premises are operating, and that an appropriate scheme of delegation and management control is in place at all other times.

10.5.4 The Premises Licence holder will be encouraged to ensure that the DPS has experience commensurate to the size, capacity, nature and style of the premises and licensable activities to be provided.

10.5.5 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place. There should be an appropriate number of responsible, trained persons at the premises to ensure the proper management of the premises. They should be familiar with the terms and conditions of the Premises Licence, and other policies or procedures associated with any statutory requirement.

## 10.6 Door Supervisors

10.6.1 The Licensing Authority recognises that door supervisors need to be used in a proportionate way, which is commensurate to the style and character of the premises and the surrounding area. The Licensing Authority recognises that suitably trained and qualified, i.e. Securing Industry Authority-accredited door supervisors can play an

invaluable role in reducing the likelihood of anti-social behaviour and crime and disorder. However, we equally recognise that their indiscriminate use could detract from the broader appeal of an area. The advice of Cheshire Constabulary should be routinely sought.

- 10.6.2 Premises Licence holders and DPSs should ensure that their premises do not increase the fear of crime in their locality. To this end, they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of their premises.

## 10.7 Off-Sales (Off-Licences)

- 10.7.1 There has been a trend towards more alcohol being purchased from shops and consumed at home. There is also concern about the growing practice of 'pre-loading' before going out to licensed establishments.
- 10.7.2 The council is committed to actively working with the licensed trade to raise standards and to ensure that the necessary procedures are in place. However, we recognise that poorly run off-sales establishments can provide vulnerable people with access to cheap, strong drinks without any supervision of how the alcohol is consumed and by whom.
- 10.7.3 Applications for an off-licence within a Cumulative Impact Area will need to demonstrate, within their operating schedule, why they will not add to the existing cumulative impact, and why there will be no negative impact on each of the licensing objectives.
- 10.7.4 The Licensing Authority encourages all operators to set out in their operating schedule how the premises will comply with the mandatory condition on banning the sale of alcohol below duty plus VAT. All applicants are also strongly encouraged to set out, in more detail, how they will reduce the impact of alcohol harm, and crime and disorder, through the responsible retail of alcohol. Applicants are advised to consider the role of voluntary agreements, control of the sale of super strength lagers, beers and ciders, as part of their corporate responsibility statement.
- 10.7.5 The impact of licensed hours is clearly a matter for the Licensing Authority in the event of a review of the licence and applicants are strongly advised to consider the impact of their operating hours on the community and the overall accessibility of alcohol by vulnerable people. This is particularly the case for premises selling alcohol before 9am and after 10pm.
- 10.7.6 We will also look to work with partners to build a credible evidence base to identify areas where the sale of alcohol is inconsistent with the promotion of the licensing objectives, due either to crime and disorder, the protection of children from harm (underage/proxy sales), or where there is evidence of likely alcohol harm, such as hospital admissions, referrals and/or ambulance data.
- 10.7.7 Where there is evidence to do so and following the receipt of an appropriate representation(s), a hearing will be held to consider any application, unless agreement can be reached, where concerns are raised about either the operation of an existing premises, or the additional impact of a new Premises Licence for alcohol sales.

## Key Message:

The Licensing Authority expects all applicants for the grant or variation of a Premises Licence for off-sales to demonstrate in their operating schedule that suitable and sufficient measures have been identified, and that these will be implemented and maintained, in order to promote the four licensing objectives, on and in the immediate area, of their premises.

Potential applicants are advised to consult with responsible authorities as to whether a representation is likely to be received for any variation to an existing licence or application for a new Premises Licence.

## 10.8 Layout and Operation of Premises

10.8.1 In most cases, the applicant will be able to address the potential problems and any detriment to the licensing objectives, through the layout and the operation of the premises. The applicant should set out the steps which it is proposing to take to promote the licensing objectives in the operating schedule.

10.8.2 It is for the applicant to determine what steps should be taken. It is also the case that the appropriate steps will differ according to the size and nature of the premises; what might be appropriate for a large supermarket may not be appropriate for a small local shop. Subject to those qualifications, we have some suggested steps for promotions.

### Suggested steps for the promotion of the licensing objectives

#### **Security/CCTV**

The applicant should identify in the operating schedule what systems of security, supervision by staff, and/or CCTV will be in place to promote the licensing objectives.

#### **Display area**

The applicant may identify in the operating schedule a fixed specified area in which alcohol will be displayed. If so, a plan should be attached to the operating schedule identifying that area. If the applicant wants to be able to move the fixed specified area, the operating schedule should specify the parameters for any changes. If the Applicant wishes to provide additional displays for special occasions (e.g. Christmas/New Year (1 November to 31 January), Easter (3 weeks before Easter Monday to 1 week after), the operating schedule should identify the special occasions and the nature of the likely changes.

#### **In the Licensing Authority's opinion:**

- Displays should not be located at the entrance/exit points of the premises.
- Displays should not be located in aisles which interfere with customer flow.

Displays should not be located at or near check-outs unless such action is deemed absolutely necessary to reduce the risk of theft.

#### **Segregated areas for the display and sale of alcohol**

The applicant may identify in the operating schedule a fixed segregated area of the premises in which alcohol will be displayed and/or sold.

#### **Sales over the counter/No Self-Service**

If the applicant intends that all displays of alcohol will be behind a counter, that there will be no self-service and all sales will be conducted by staff and alcohol handed to customers by staff, the Applicant should identify how the system will operate in the

operating schedule. A plan should be attached to the operating schedule identifying the particular parts of the premises that will be used.

#### **Responsible retailing of alcohol**

**The following responsible management practices are recommended:**

- cans of alcohol should not be sold separately.
- bottles of beer under 1 litre should not be sold singly.
- no beer or cider over 5.5% ABV should be sold.
- no alcopops should be sold where they could attract underage purchasers.

## **10.9 Late Night Refreshment Venues**

- 10.9.1 The Licensing Authority considers that it will normally be inappropriate to grant a Premises Licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).
- 10.9.2 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late-night venues congregate there. Applicants are recommended to have written policies for dealing with crime and disorder and nuisance. In determining licensing hours following the receipt of relevant representations, regard will be given to the above factors and the density and closing times of other licensed premises in the vicinity.
- 10.9.3 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.
- 10.9.4 Where the Licensing Authority considers it appropriate and necessary, it may impose conditions on a Premises Licence to require the operators of premises serving customers, with hot food or drink, to provide litter bins in the vicinity of the premises, in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements. It is incumbent upon the applicant to check any other regulatory requirement for doing so.

## **10.10 Smoking, Drinking and Eating Outside**

- 10.10.1 The provision of outside areas can enhance the attractiveness of the venue and provide a broader appeal. However, the irresponsible use of such areas, particularly after 10pm can cause public nuisance and potentially act as a focus for crime and disorder. The council also wishes to encourage smoke-free environments and steps to reduce second-hand smoke.
- 10.10.2 Where smoking, eating and drinking takes place outside, the Licensing Authority encourages applicants to provide comprehensive details in their operating schedule on:
- the location of outside areas to be available for use
  - how the outside areas will be managed to prevent noise and smells
  - pavement obstructions and the overspill of vertical drinking outside of the licensed area. Crime and disorder.

10.10.3 Where the Licensing Authority receives representations, or a review application, regarding the use of an outside area, it may impose appropriate conditions, having regard to the circumstances of the premises in question.

10.10.4 Specific guidance for the operation of pavement cafes is available on the council's website, or on request from the Licensing Authority.

## **10.11 Use of Toughened Glass, Polycarbonates and Decanting of Drinks**

10.11.1 The council recognises the wishes of clientele to drink from an appropriate receptacle; however we equally recognise the need to promote the licensing objectives and to safeguard the safety of patrons.

10.11.2 The Licensing Authority wishes to encourage the use of toughened glassware and polycarbonate on a risk-based approach. The Licensing Authority also recognises that when having regard to the nature of the application and the proposed event, it may be appropriate for drinks to be decanted into an appropriate receptacle.

10.11.3 The Licensing Authority, where a relevant representation is received, will consider imposing a condition prohibiting the sale of alcohol in strengthened glass containers (glasses and bottles) and require the use of polycarbonate or other safer alternatives where:

- local needs dictate or
- the premises is operating beyond midnight or
- the licence permits drinking outside and
- suitable alternatives are commercially available.

10.11.4 The Licensing Authority will take into account the following when considering imposing conditions restricting the use of glass:

- the type of venue and the customer base
- the hours of operation
- the standard of management
- the history of any alcohol-related crime and disorder
- the extent to which drinking is permitted outside
- the adequacy of the premises own risk assessment
- the views of Cheshire Constabulary.

## 10.12 Policy and Drink/Needle Spiking (Existing policy)

10.12.1 The Licensing Authority is committed to ensuring that, where appropriate, the design and management of premises maximises the safety of customers, performers and staff. The Licensing Authority expects the submission of a drug policy as part of the operating schedule for applications for new Premises Licences, and for variations to existing licences for late night venues.

10.12.2 The Licensing Authority requires licensees of all venues to take all reasonable steps to:

- prevent the entry of drugs into licensed premises
- prevent drugs changing hands within the premises
- understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur
- have appropriately trained staff to deal with drug related incidents.

10.12.3 The increasing prominence and dangers that can occur from new psychoactive substances is recognised and the Licensing Authority would encourage all venues to adopt a drugs policy and to include new psychoactive substance. The Licensing Authority will consider whether it would be appropriate to impose a condition in order to promote one or more of the statutory Licensing objectives where there is evidence to do so. The imposition of any such condition will need is justified and proportionate having regard to the circumstances of the case.

10.12.4 It is important that appropriate steps are taken by premises to protect patrons of the night-time economy from risk posed by drink spiking and or needle spiking. The council's Public Health team raise awareness of alcohol use and staying safe in relation to spiking and injecting. Any specific intelligence on increased risk would result in action with partners, and support plans put in place. Wider campaign work takes place during Alcohol Awareness Week.

10.12.5 Premises are strongly encouraged to have appropriate plans in place to raise awareness of the risk posed by drink-spiking and needle injection, and to act on intelligence received on any increase in prevalence and risk. This should include but not be limited to:

- ensuring that a drug policy is in place and that awareness forms part of staff induction processes and procedures and that training is regularly reviewed.
- ensuring that sufficient steps are taken to safeguard the wellbeing of the customer by where appropriate calling emergency services and by providing a safe place.
- ensuring that any alleged incidents of attempted or actual drink spiking or needle injection are acted upon, recorded and reported to the Police. This should include securing the drink where possible.
- ensuring that CCTV if provided is working correctly and that cameras are not obscured.
- ensuring that toilets are checked regularly for any customers who may have become unwell.
- ensuring that where appropriate information is available to increase customer awareness of the risks posed by drink spiking and or needle injection.
- ensuring that where there is a heightened risk by providing drink covers or bottle stoppers.

10.12.6 Night-time economy venues should have a clear policy on confiscation of nitrous oxide canisters or refusal of entry for customers with nitrous oxide. As nitrous oxide is now classified as a Class C drug, any existing policy relating to the handling of controlled drugs on the premises should be applied to nitrous oxide. It is a reasonable assumption that people attempting to enter a venue in this way may intend to wrongfully inhale the drug. An occupier of a premises or a person concerned in the management of any premises may be at risk of committing an offence if they knowingly permit nitrous oxide to be supplied on their premises.

## 10.12 Drugs Policy and Drink/Needle Spiking (Proposed policy)

10.12.1 The Licensing Authority is committed to ensuring that, where appropriate, the design and management of premises maximises the safety of customers, performers and staff. The Licensing Authority expects the submission of a drug policy as part of the operating schedule for applications for new Premises Licences, and for variations to existing licences for late night venues.

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## 10.13 Noise (Existing policy)

10.13.1 The Licensing Authority is committed to broadening the appeal of licensed premises, and in particular its commercial centres, to create an appropriate sense of place. We equally recognise the need to protect the amenity of residents and businesses in the vicinity of licensed premises, particularly when late hours are sought.

10.13.2 We would encourage premises to proactively consider noise management within the design and operation of their premises, and to state within their operating schedule how they will control noise levels. Where relevant representations are received, the Licensing Authority may impose appropriate restrictions or controls on the licence to promote the Licensing Objective on the prevention of public nuisance, and to protect the amenity of local residents.

10.13.3 The Live Music Act 2012 (as amended) now exempts amplified live music or recorded music from being a licensable activity in specified circumstances. These activities may still give rise to nuisance and it is expected that licensees will act promptly if this happens, to avoid the need for enforcement action by the local authority for statutory nuisance.

10.13.4 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the Premises Licence, Club Premises Certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and the licensing regulatory framework will always be part of a holistic approach to the management of the evening and night-time economy.

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

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

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

- use of a last entry time to the premises to reduce the possibility of persons who may have been attracted to the premises causing noise and disturbance late at night
- prominent display of notices requiring courtesy for neighbours
- preventing customers from congregating outside
- having a policy on re-admittance
- directing to and advising on available public transport and taxi provision
- the role of door supervisors in managing persons leaving the premises.

## 10.13 Noise (Proposed policy)

- 10.13.1 The Licensing Authority is committed to broadening the appeal of licensed premises, and in particular its commercial centres, to create an appropriate sense of place. We equally recognise the need to protect the amenity of residents and businesses in the vicinity of licensed premises, particularly when late hours are sought.
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- directing to and advising on available public transport and taxi provision
- the role of door supervisors in managing persons leaving the premises.

## 10.14 General Public Nuisance (Proposed policy)

10.14.1 In order to promote the licensing objectives, licence holders and applicants are encouraged to adopt measures to control smoke, fumes, dust or other emissions arising from the licensable activity that may cause a public nuisance. Regard should also be given to nuisance that can be caused by light.

## 10.15 Deliveries and Collections

10.15.1 Licence holders and applicants are encouraged to consider whether early morning or late night deliveries, and collections to their premises, could potentially result in a public nuisance, and to introduce measures to minimise their impact. This is particularly important when seeking to provide an online delivery service.

10.15.2 The Licensing Authority recognises that refuse collection times can sometimes be outside the control of the Premises Licence holder. When representations have been received from residents, stating that they are being disturbed by early morning collections and deliveries, the applicant or Premises Licence holder is encouraged, whenever possible, to renegotiate different times with the relevant contractor.

## 10.16 Dispersal Policies

10.16.1 The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period, usually 30 minutes, after the end of the time permitted for licensable activities. An application for a new late-night Premises Licence or variation application, will not normally be granted, unless a proposed dispersal policy is included in the operating schedule. This should include an appropriate door-entry policy to manage patrons wishing to gain late entry into the premises.

10.16.2 The general principle will be that licensable activities at premises should cease before the end of the operational hours. This is to allow for the premises to be cleared of patrons in a gradual and orderly manner. The Licensing Authority recognises that the time required for clearing premises of patrons will differ from business to business, depending on the type of licensable activities provided, and the nature of the clientele. It is for applicants themselves to judge what timescale is reasonable, however the Licensing Authority recommends that between 30 minutes and 1 hour would be sufficient for the majority of businesses. Operating schedules should make reference to a specific dispersal policy that should set out the dispersal arrangements, such as:-

- management of the ambient lighting
- management of music levels and tone
- balancing the sales of alcoholic drinks and the availability of non-alcoholic beverages
- arrangements for accessing transport for customers.
- where appropriate the use of door supervisors to assist in this process

## 10.17 Illicit Goods

10.17.1 The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found, this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives. While the Licensing Authority accepts and acknowledges that it is not its role to establish guilt or innocence in relation to such allegations, it does have a positive to

duty to carry out its functions with a view to promoting the licensing objectives, including that of prevention of crime and disorder.

- 10.17.2 The Licensing Authority's approach will reflect that set out in the statutory Revised Guidance issued under section 182 of the Licensing Act 2003. It is the view of the Licensing Authority that the supply of illicit goods will be taken seriously as these matters can undermine the licensing objectives.

## 10.18 Irresponsible Drinks Promotions and the Responsible Sale of Alcohol (Existing policy)

- 10.18.1 An irresponsible drinks promotion is one that encourages the sale of alcohol for consumption on the premises in a manner which fails to promote the Licensing objectives.
- 10.18.2 The council is acutely aware of the link between the irresponsible supply of alcohol to the possibility of resultant incidents of alcohol related crime and disorder, public safety, public nuisance and the risk of harm to children. The council also recognises the impact that excessive, or binge drinking can have on public health.
- 10.18.3 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (as amended) sets out the mandatory conditions which apply to relevant Premises Licences and Club Premises Certificates with regard to irresponsible drinks promotions.
- 10.18.4 The Licensing Authority will have regard to the Section 182 Guidance on Mandatory Licensing Conditions (and any subsequent revisions), and relevant representations, when considering what constitutes an irresponsible drinks promotion.
- 10.18.5 Intoxication at licensed premises is recognised as a principal contributor to alcohol-related harm. Premises licensed for the sale of alcohol for consumption on the premises should have procedures in place. Staff should be trained regarding responsible alcohol sales, identifying drunkenness, preventing alcohol sales to them and what to do if someone becomes vulnerable or unwell.

## 10.18 Irresponsible Drinks Promotions and the Responsible Sale of Alcohol (Proposed policy)

- 10.18.1 An irresponsible drinks promotion is one that encourages the sale of alcohol for consumption on the premises in a manner which fails to promote the Licensing objectives.
- 10.18.2 The council is acutely aware of the link between the irresponsible supply of alcohol to the possibility of resultant incidents of alcohol related crime and disorder, public safety, public nuisance and the risk of harm to children. The council also recognises the impact that excessive, or binge drinking can have on public health.
- 10.18.3 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (as amended) sets out the mandatory conditions which apply to relevant Premises Licences and Club Premises Certificates with regard to irresponsible drinks promotions.

- 10.18.4 The Licensing Authority will have regard to the Section 182 Guidance on Mandatory Licensing Conditions (and any subsequent revisions), and relevant representations, when considering what constitutes an irresponsible drinks promotion.
- 10.18.5 Intoxication at licensed premises is recognised as a principal contributor to alcohol-related harm. Premises licensed for the sale of alcohol for consumption on the premises should have procedures in place. Staff should be trained regarding responsible alcohol sales, identifying drunkenness, preventing alcohol sales to them and what to do if someone becomes vulnerable or unwell.

## **10.19 Sexual Harassment and Gender-Based Violence (Proposed policy)**

- 10.19.1 The council is committed to equality and has a zero tolerance approach to discrimination. It will if there is sufficient evidence of a failure promote equality in licensed venues take necessary and proportionate steps in the public interest. This may include a review of the Premises Licence. Due weight and regard will be given to the adequacy of policies and procedures at the premises.
- 10.19.2 Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 and relevant guidance for businesses. Any failure to do so is an offence and is likely to result in a review of the Premises Licence and may result in enforcement action being taken by the Equality and Human Rights Commission.
- 10.19.3 Applicants and licensees should have a system in place to record all concerns raised by staff and how they can report such concerns.

## **10.20 Litter and maintenance of the Street Scene (Proposed policy)**

- 10.20.1 Premises are expected to take a proactive approach to preventing litter issues arising from the premises. The Licensing Authority expects operators to cleanse outside their premises.
- 10.20.2 Premises shall ensure that they have appropriate and sufficient trade waste arrangements in place.
- 10.20.3 Where its discretion is engaged, the Licensing Authority will take account of the potential impact of the premises upon litter problems in the area and take such steps that are deemed appropriate and proportionate to address such issues. Consideration will be given to the number of rubbish bins in the area to adequately cope with litter levels, as well as the general cleanliness of the area.

## **10.21 Environmental Sustainability (Proposed policy)**

- 10.21.1 Licensed premises are an important part of the local economy. They play an important part in creating a place where people want to live, work and enjoy themselves. Equally, it is everyone's responsibility to promote sustainability. This can be done by minimising waste and recycling, improving energy efficiency, reducing movement of goods. Whilst environmental sustainability is not a licensing objective, premises owners and managers are encouraged to adopt policies on environmental sustainability within their overall management plans; adding to confidence in management systems.

# 11 Conditions

## 11.1 Introduction

- 11.1.1 The Licensing Authority will only routinely attach to a licence the statutory mandatory conditions, together with conditions drawn from the applicant's operating schedule (since these are voluntary conditions). If relevant representations are received then any agreed conditions or conditions imposed through the hearing process will also be placed on the licence. The Licensing Authority will use the pool of conditions published by the Secretary of State and other conditions which are necessary and proportionate to the application for attachment to the licence in order to promote the licensing objectives.
- 11.1.2 The Licensing Authority as guided by the Secretary of State will not impose blanket standard conditions.
- 11.1.3 Conditions will be imposed on licences in pursuit of the licensing objectives. However, they will only be used where they relate to matters that are in the direct control of the licensees and any other premises with relevant authorisation.
- 11.1.4 The Licensing Authority will have regard to the impact of the activity taking place at the licensed premises on members of the public who live, work or are engaged in normal activity in the area concerned. In cases of dispute the question will ultimately be determined by the courts.

# 12 Enforcement

## 12.1 Introduction

- 12.1.1 The Licensing Authority is committed to the principles of good enforcement practice and will carry out its regulatory functions in a fair, open and consistent manner. The Licensing Authority also has its own Enforcement Policy and complies with the Regulators' Code.
- 12.1.2 A risk-based approach will be adopted when determining compliance inspection schedules, so that inspections take place only as and when necessary. This will enable resources to be concentrated on higher-risk premises which need greater enforcement attention, providing a lighter touch in respect of lower-risk premises which are deemed to be well-run.
- 12.1.3 The Licensing Authority recognises the interests of both citizens and businesses and will work closely with partners, to assist licence holders to comply with the law and the 4 Licensing objectives. Persons or premises who fall below the required operating standards or who are found in breach of the law can expect to be dealt with in accordance with the council's Enforcement Policy.
- 12.1.4 We work with other responsible authorities and key strategic partners to promote the Licensing objectives.

# 13 Hearings

## 13.1 Introduction

- 13.1.1 Where there have been relevant representations, the Licensing Authority will always consider the merits of the case having regard to the evidence before it, the policy statement and licensing objectives.
- 13.1.2 The Sub-Committee will take such steps, as it considers necessary to promote the licensing objectives. These may include refusing the application or adding to or modifying the conditions proposed in the operating schedule, and varying hours of licensable activity.
- 13.1.3 The operating schedule will only be amended to the extent necessary to promote the Licensing objectives. Blanket or standard conditions will not be applied without regard to the merits of the individual case. The council will not interfere with an operating schedule, which does not comply with this Policy, where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 13.1.4 A public announcement of the decision will be made at the end of the hearing and a written copy of the decision will be provided to all parties following the hearing within 5 working days (or sooner, if applicable pursuant to the Licensing Act 2003 (Hearings) Regulations 2005). The decision will be accompanied with clear reasons for the decision, having regard to the Human Rights Act 1998, the licensing objectives, the Statutory Guidance issued under section 182 of the Licensing Act 2003, this and all other relevant legislation.



# 14 Reviews

## 14.1 Introduction (Existing policy)

- 14.1.1 Following the grant of a Premises Licence or Club Premises Certificate, a responsible authority or any other person (and member in the case of a qualifying club) may request the Licensing Authority to review the Premises Licence/Club Premises Certificate where problems associated with any of the licensing objectives have occurred. The Licensing Authority will apply for a review in its own right where the licensing objectives are not being promoted and where it is appropriate to do so. The Licensing Authority will not normally apply for a review on behalf of other persons. The Licensing Authority must arrange a review hearing following a Closure Notice and within prescribed time limits.
- 14.1.2 In all cases, the application for review must relate to a particular premises for which a Premises Licence/Club Premises Certificate is in force and must be relevant to the promotion of one or more of the licensing objectives.
- 14.1.3 The Licensing Authority will seek to prevent attempts to review Premises Licences/Club Premises Certificates that have already been considered following the failure of representations on previous occasions. Each application will therefore be examined in the context of previous applications and decisions.
- 14.1.4 Requests for reviews will be rejected where, in the view of the Licensing Authority, the request is not relevant (to the licensing objectives), or in the case of requests from any other persons, it is frivolous, vexatious or repetitious.
- 14.1.5 The Licensing Authority recognises that the promotion of the Licensing objectives requires a partnership approach. The Licensing Authority considers that responsible authorities and any other persons will give Premises Licence/Club Premises Certificate holders sufficient warning of their concerns regarding any problems identified at the premises and the need for improvement. The Licensing Authority therefore expects Premises Licence/Club Premises Certificate holders to respond to such warnings and implement the necessary remedial action. Any failure to respond to such warning may lead to a Responsible Authority or any other person requesting a review of the Premises Licence/Club Premises Certificate. However, where the matter is sufficiently serious for a responsible authority to take immediate action, this must be carried out under their lawful powers, and notification of such action communicated to the Licensing Authority at the earliest possible time.
- 14.1.6 The Licensing Authority will take action, in cases where the crime prevention objective is being undermined. This may result in revocation of the licence, even in the first instance; as guided by the Section 182 Guidance. The Licensing Authority's role is not to establish the guilt or innocence of the individual but to ensure the promotion of the licensing objectives.
- 14.1.7 Section 53A of the Act makes provision for an expedited (summary) review in cases of a licensed premises which authorises the sale of alcohol, which must be accompanied by a certificate signed by an officer of appropriate rank and authorisation confirming that they are satisfied that the premises are associated with serious crime, serious disorder or both. Serious crime and serious disorder are defined in the Act. The Licensing Authority will

consider any interim steps in accordance with the legislation and associated guidance pending a full review of the Premises Licence.

- 14.1.8 The Licensing Authority may impose interim steps without the holder of the Premises Licence having been given the opportunity to make representations, although that opportunity may be afforded in some cases. The approach will depend on the individual circumstances and urgency of the situation. A decision can be given verbally or in writing in respect of interim steps. The decision will be effective immediately in either case but if given verbally will be confirmed in writing.
- 14.1.9 A decision in respect of interim steps will be followed by a full review hearing within 28 days' of the initial application for review.
- 14.1.10 The Licensing Authority may reinstate or impose conditions about amplified or unamplified live or recorded music following a review of a Premises Licence or Club Premises Certificate relating to premises authorised to supply alcohol for consumption on the premises, where it can be demonstrated that live music has undermined the promotion of the licensing objectives and such action is considered to be appropriate.

## 14.1 Introduction (Proposed policy)

- 14.1.1 Following the grant of a Premises Licence or Club Premises Certificate, a responsible authority or any other person (and member in the case of a qualifying club) may request the Licensing Authority to review the Premises Licence/Club Premises Certificate where problems associated with any of the licensing objectives have occurred. The Licensing Authority will apply for a review in its own right where the licensing objectives are not being promoted and where it is appropriate to do so. The Licensing Authority will not normally apply for a review on behalf of other persons. The Licensing Authority must arrange a review hearing following a Closure Notice and within prescribed time limits.
- 14.1.2 In all cases, the application for review must relate to a particular premises for which a Premises Licence/Club Premises Certificate is in force and must be relevant to the promotion of one or more of the licensing objectives.
- 14.1.3 The Licensing Authority will seek to prevent attempts to review Premises Licences/Club Premises Certificates that have already been considered following the failure of representations on previous occasions. Each application will therefore be examined in the context of previous applications and decisions.
- 14.1.4 Requests for reviews will be rejected where, in the view of the Licensing Authority, the request is not relevant (to the licensing objectives), or in the case of requests from any other persons, it is frivolous, vexatious or repetitious.
- 14.1.5 The Licensing Authority recognises that the promotion of the Licensing objectives requires a partnership approach. The Licensing Authority considers that responsible authorities and any other persons will give Premises Licence/Club Premises Certificate holders sufficient warning of their concerns regarding any problems identified at the premises and the need for improvement. The Licensing Authority therefore expects Premises Licence/Club Premises Certificate holders to respond to such warnings and implement the necessary remedial action. Any failure to respond to such warning may lead to a Responsible Authority or any other person requesting a review of the Premises

Licence/Club Premises Certificate. However, where the matter is sufficiently serious for a responsible authority to take immediate action, this must be carried out under their lawful powers, and notification of such action communicated to the Licensing Authority at the earliest possible time.

- 14.1.6 The Licensing Authority will take action, in cases where the crime prevention objective is being undermined. This may result in revocation of the licence, even in the first instance; as guided by the Section 182 Guidance. The Licensing Authority's role is not to establish the guilt or innocence of the individual but to ensure the promotion of the licensing objectives.
- 14.1.7 Section 53A of the Act makes provision for an expedited (summary) review in cases of a licensed premises which authorises the sale of alcohol, which must be accompanied by a certificate signed by an officer of appropriate rank and authorisation confirming that they are satisfied that the premises are associated with serious crime, serious disorder or both. Serious crime and serious disorder are defined in the Act. The Licensing Authority will consider any interim steps in accordance with the legislation and associated guidance pending a full review of the Premises Licence.
- 14.1.8 The Licensing Authority may impose interim steps without the holder of the Premises Licence having been given the opportunity to make representations, although that opportunity may be afforded in some cases. The approach will depend on the individual circumstances and urgency of the situation. A decision can be given verbally or in writing in respect of interim steps. The decision will be effective immediately in either case but if given verbally will be confirmed in writing.
- 14.1.9 A decision in respect of interim steps will be followed by a full review hearing within 28 days' of the initial application for review.
- 14.1.10 The Licensing Authority may reinstate or impose conditions about amplified or unamplified live or recorded music following a review of a Premises Licence or Club Premises Certificate relating to premises authorised to supply alcohol for consumption on the premises, where it can be demonstrated that live music has undermined the promotion of the licensing objectives and such action is considered to be appropriate.

# 15 Cinemas

## 15.1 Films

- 5.1.1 The Licensing Authority expects licence and certificate holders and those who have given notice of a temporary event and who wish to show any film classified by the British Board of Film Certification (BBFC) as R18 (or which would otherwise fall within that category) and in doing so satisfy the definition of a sex cinema as set out in the Local Government (Miscellaneous Provisions) Act 1982, to also have a sex cinema licence issued under the provisions of the 1982 Act.
- 15.1.2 The Licensing Authority will adopt the BBFC for films that are shown and will expect age restrictions on those present to be consistent with the recommendations of the BBFC. The Licensing Authority will not normally apply its own system of classification. However, provided the operator submits the film for classification at least 28 days before the proposed date of showing, the Licensing Authority may classify a film:
- that has no BBFC classification; or
  - that has a BBFC classification, but the operator has requested the Licensing Authority to consider reclassification and the Licensing Authority agrees to do so; or
  - where there have been relevant representations from a responsible authority or any other persons with an interest in the protection of children from harm.
- 15.1.3 The Licensing Authority will have regard to the BBFC classification system, the BBC code for producers and the Ofcom/Broadcasting Standards Commission Broadcasting Code when making any decision on the classification of films. Applicants and licence holders should note that a classification made by the Licensing Authority will have precedence over any other classification.
- 15.1.4 In considering the impact of licensing on children, the Licensing Authority will consult with whom it sees as being competent to advise on matters relating to the protection of children.

# 16 Cumulative Impact and special policies (Proposed policy)

## 16.1 Introduction

- 16.1.1 The Licensing Authority will not take 'need' (i.e. commercial demand) into account when considering an application, as this is a matter for the market. However, the number, type and density of licensed premises, in a given area, are proper matters for consideration by the Licensing Authority, if there is a potential impact on the Licensing objectives.
- 16.1.2 The effect of adopting a special policy is to create a rebuttable presumption, that applications for the grant or variation of a Premises Licence or Club Premises Certificate, which are likely to add to the existing cumulative impact, will normally be refused or subject to certain limitations, following relevant representations.
- 16.1.3 It is for the applicant to consider, within their operating schedule, the potential cumulative impact and to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.
- 16.1.4 The Licensing Authority recognises that a special policy is not absolute, and any application will still need to be considered on its relative merits. Consideration will be given to the content of the applicant's operating schedule, the continuing relevance of the evidence in support of the Cumulative Impact Policy (CIP), relevant representations, the promotion of equality and whether the impositions of appropriate conditions would be effective in preventing problems.

## 16.2 Legislative Framework (Proposed policy)

- 16.2.1 Warrington Borough Council as the Licensing Authority has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998 in respect of crime and disorder and to promote the 4 Licensing objectives of the Licensing Act 2003 namely:

- the prevention of crime and disorder
- public safety
- prevention of nuisance
- protection of children from harm

- 16.2.2 The council will also pay due regard to the guidance issued under Section 182 of the Licensing Act 2003.

## 16.3 Cumulative Impact Assessment Summary Statement (Proposed policy)

### Legislative Framework

- 16.3.1 Cumulative Impact Assessments were introduced into the 2003 Act by the Policing and Crime Act 2017 with effect from the 6 April 2018. The Licensing Authority has prepared and adopted a Cumulative Impact Assessment (CIA). This is available on the council's website. This should be read in conjunction with this Statement of Licensing Policy.

## What is Covered by the Cumulative Impact Assessment (CIP(A))?

16.3.2 For the sake of clarity the CIP will apply to applications for:

- Any new application or variation of a premises licence
- Any application or variation for late night refreshment, e.g. hot food takeaways, including those that are not licensed to sell alcohol.

16.3.3 Whilst CIPs do not apply to TENs the Licensing Authority acknowledges that the Police and Environmental Health, as relevant persons, are entitled to refer to the evidence published within the CIA when objecting to a TEN.

### Areas covered by the Cumulative Impact Assessment Policy

16.3.4 The geographical extent of the current CIPs and the area of assessment are set out in Appendix 5 of this policy.

16.3.5 The Licensing Authority has reviewed the current evidence and it is no longer of the opinion that the need for the Cumulative Impact Areas remains for the purposes of promoting the Licensing objectives for the areas referred to as Stockton Heath, The Cultural Quarter, Town Centre East, and Town Centre North in the 2019 Cumulative Impact Assessment. The Licensing Authority recognises that its duties under section 5(6D) and 5(6E) of the Act no longer apply for these areas, and as such Section 16 of the current Statement of Licensing Policy no longer applies, as it relates to these areas.

16.3.6 The absence of a special policy in relation to any other areas of the borough does not prevent any responsible authority, or other person, making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

### Summary of the Nature of the Issues within the CIPA.

16.3.7 There is demonstrable evidence that the density of late night, drink orientated premises is impacting on the promotion of the licensing objectives, particularly with respect to crime and disorder. The density of alcohol related crime is highest within the CIP area, which has a high concentration of licensed premises. A public survey showed that there are strong public perceptions with respect to fear of crime.

### Implications for Applications and Variations

16.3.8 The effect of adopting this special Cumulative Impact Policy will be to create a rebuttable presumption that applications within the defined areas for licences, club premises certificates or material variations will normally be refused, if relevant representations are received, unless it can be demonstrated that the operator of the premises involved will not add to cumulative impact already being experienced.

16.3.9 Persons with applications within these areas will need to address the special policy issues in their operating schedules in order to rebut such a presumption. Whilst each application will be considered on its own merits the standard or otherwise of management practices and predicted clientele may not in themselves be sufficient to warrant a departure from the policy; as the committee will need to carefully consider the potential for further cumulative impact and any negative impact on the promotion of the licensing objectives.

16.3.10 The presumption against grant does not relieve responsible authorities or any other persons of the need to make relevant objections or representations. If no relevant objections or representations are received, it would remain the case that any application must be granted in terms that are consistent with the operating schedule submitted. However, responsible authorities or any other persons can make written representations maintaining that it is necessary to refuse the application for the promotion of the crime and disorder objective; in doing so they may wish to refer to the information which had been before the council when it developed its Statement of Licensing Policy, although the continuing relevance of this information needs to be kept under review, and any representation should be supported by appropriate evidence. The Licensing Authority may make a representation as a responsible authority against the application.

16.3.11 The Licensing Authority will not use this policy solely as:

- grounds for revoking a licence or certificate when representations are received about problems with existing licensed premises.
- to refuse an application to vary an existing licence or certificate except where the modifications are directly relevant to the policy.

16.3.12 The Licensing Authority recognises that there are other mechanisms both within and outside the licensing regime that are available for addressing the impact of unlawful and antisocial behaviour and nuisance once consumers are away from the premises.

#### Applying the Cumulative Impact Policy

16.3.13 It is important to note that this policy does not seek to prevent all new or varied licence applications. All applications will be considered on their own merit whilst taking into account the aims and objectives of this policy.

16.3.14 The Licensing Authority is mindful that large numbers of licensed premises, in close proximity to each other, can have a negative impact on the licensing objectives, particularly if they are targeted towards high volume sales of cheap alcohol, within a vertical drinking environment. This can result in crime and disorder within a wider area than that associated with any one premises.

16.3.15 The cumulative impact of people dispersing from an area can also disturb nearby residents. The availability of hot food takeaways can also create flash points, and delay people from dispersing quickly from the area. The ready availability of numerous fast-food establishments can also result in excessive littering, both within the immediate area and within surrounding residential areas, as food is consumed and the packaging later discarded on route.

16.3.16 The Licensing Authority is mindful of the need to safeguard users of the late-night economy, in relation to crime and disorder but also from alcohol harm. It recognises its responsibilities to protect children from harm and to promote public safety. The concentration of licensed premises, which are based solely around the consumption of alcohol can increase the vulnerability of people and result in alcohol harm.

16.3.17 The Licensing Authority recognises that the impact of longer hours can be a factor as well as the density of the premises.

16.3.18 The Licensing Authority will determine an application on its relative merits. These issues (as set out in 16.3.14-16.3.18), and those set out in its Statement of Licensing Policy and CIA, will be given material weight in any decision and in determining whether an application will undermine the Licensing objectives and add negatively to the cumulative impact.

#### Review

16.3.19 The Licensing Authority will review its CIA within three years after its adoption to see whether it is still needed or should be expanded, or restricted.



# 17 Review of the policy

## 17.1 Introduction

- 17.1.1 The Statement of Licensing Policy must be reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy must be subject to consultation. In addition section 5(4) of the Act provides that the Licensing Authority must keep its policy under review during each five-year period and make appropriate revisions. Again, any revisions must be subject to consultation.
- 17.1.2 The Licensing Authority will, where a special policy relating to cumulative impact has been adopted, review the policy regularly and at least every three years, to assess whether it is still required or indeed whether it needs expanding.

# Appendix 1: Delegation of functions from the Licensing Committee

Matter to be dealt with	Licensing Sub-Committee	Officers
Application for Personal Licence	If a police objection	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Application for Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor	If a police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	If a police objection	All other cases
Application for interim authorities	If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when Local Authority is a Consultee and not the relevant Authority considering the application	All cases	
Receipt of Temporary Event Notice	If objection Notice Received	All other cases

# Appendix 2: Guide to Licensing Policy Considerations and Framework of Recommended Hours

Premise Type: Initial Screening Assessment and recommended framework of hours.

(The stated hour refers to when the licensable activities should cease, please refer to the table of definitions).

Area Type	Licensing Policy Direction (Aims)	Restaurant	Night Club/late bar	Pub or Bar	Off licence	Late Night Takeaway
Town Centre Cumulative Impact Area	To reduce the potential for public nuisance to occur. To reduce the potential for crime and disorder. To limit the cumulative impact. To allow sufficient flexibility and discretion for responsible businesses to operate. To provide a vibrant offer. To protect the distinction between daytime and nighttime economies.	Yes 2AM	Yes 4AM	Yes 3AM	Yes 11PM	Yes 3AM
Town and District Centres (Mixed leisure/Commercial and Residential).	To protect the integrity of the area and to reduce the potential for conflicts between uses. To broaden appeal and sense of place. To Support applications for cultural events	Yes 1AM	No	Yes 1AM	Yes 11PM	Yes 1AM
Predominately Residential Area.	To Protect residential amenity.	Yes 11PM	No	Yes 11PM	Yes 11PM	No
Outdoor Use						

# Definition of Premises

Premise type	Restaurant	Night Club/Late Bar	Pub/Bar	Off licence	Late night takeaway
<b>Description</b>	<p>Premises which sell hot food for consumption on the premises, where the supply of alcohol is ancillary to the supply of hot food.</p> <p>Premises which offer licensable activities after 00:00 (sale of alcohol, regulated entertainment) should carry out a risk assessment and include appropriate conditions in the operating schedule commensurate to the intended use after this time, otherwise representations are likely to be received.</p>	<p>Premises which primarily supply alcohol and may offer regulated entertainment.</p>	<p>Premises which supply alcohol and which may have more developed food and hot drink offer.</p>	<p>Premises which supply alcohol for consumption off the premises.</p>	<p>Premises that have a licence to provide late night refreshment (after 11PM).</p>

The recommended framework of hours relate to the cessation of licensable activity, however, the Licensing Authority considers that the ‘terminal hour’ of the premises should normally be within 30 minutes of the cessation of licensable activity.

**Note:** Premises License Conditions applied will reflect the following:

1. Location of premises
2. Information submitted with the premise license application
3. The hours of licensable activity and terminal hours requested  
(It has been established that later closing times increase the risk of public nuisance and crime and disorder.)

Further advice regarding conditions should be sought from the relevant authority.

# Appendix 3: Other Policies, Legislation, Case-Law

There are a number of other local and national policies, strategies, responsibilities, and guidance documents, which will be taken into account in order to complement the Authority's Licensing Policy. The Licensing Authority will ensure proper integration of the Licensing Policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and local alcohol policies.

## Strategies and Policies

Alcohol Harm Reduction Strategy

British Beer and Pub Association Partnerships Initiative

Council's own Enforcement Policy

Community Safety Strategy

Crime and Disorder Reduction Strategy

Cultural and Tourism Strategies including promotion of live music and community events

Drugs and Alcohol Strategy

Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries

Local Transport Plan

National and local Pubwatch schemes

Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

Purple Flag (ATCM)

Pan-Cheshire Child Sexual Exploitation Strategy and Protocol.

## Related Legislation

Policing and Crime Act 2009

Anti-Social Behaviour Crime & Policing Act 2014

Crime and Disorder Act 1998

Crime and Security Act 2010

Criminal Justice and Police Act 2001

Private Security Industry Act 2001

The Environmental Protection Act 1990

The Clean Neighbourhoods and Environment Act 2005

The Health Act 2006

Violent Crime Reduction Act 2006

Local Government (Miscellaneous Provisions) Act 1982

Policing & Crime Act 2009

Equality Act 2010

The Deregulation Act 2015

The Policing and Crime Act 2017

## Relevant Case Law regarding Policy Statements

### Limits of Licensing Policy:

BBPA & Others v Canterbury City Council [2005] EWHC 1318 (Admin)

### “Strict” Licensing Policies and exceptions to Policy:

R (Westminster City Council) v Middlesex Crown Court and Chorion plc [2002] LLR 538

### Cumulative Impact Policies and hours

R (JD Wetherspoon plc) v Guildford Borough Council [2006] EWHC 815 (Admin)

### Duplication and conditions:

R (on the application of Bristol Council) v Bristol Magistrates’ Court [2009] EWHC 625 (Admin)

### Extra-statutory notification by the Licensing Authority:

R (on the application of Albert Court Residents Association and others) v Westminster City Council [2010] EWHC 393 (Admin)

### The prevention of crime and disorder: ambit of the objective

Blackpool Council, R (on the application of) v Howitt [2008]

### Crime and disorder: sanctions on review: deterrence

Bassetlaw District Council, R (on the application of) v Workshop Magistrates Court [2008]

# Appendix 4: Glossary of Terms

**Foreign Offence** – any offence (other than a relevant offence) under the Law of any place outside England and Wales (s113(3) of the Act)

**Qualifying club** – A club is a qualifying club in relation to the provision of regulated entertainment if it satisfies the following general conditions

**Condition 1** – under the rules of the club persons may not:

- (a) be admitted to Membership, or
- (b) be admitted, as candidates for Membership, to any privileges of Membership without an interval of at least 2 days between their nomination or application for Membership and their admission;

**Condition 2** – 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 2 days between their becoming members and their admission;

**Condition 3** – the club is established and conducted in good faith as a club;

**Condition 4** – the club has at least 25 members

**Condition 5** – alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club. A club is a qualifying club in relation to the supply of alcohol to members or guests if it satisfies the general conditions 1 to 5 above and the additional conditions 1 to 3 below

**Additional Condition 1** – that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a Committee whose members:

- (a) are members of the club;
- (b) have attained the age of 18 years; and
- (c) are elected by the members of the club

**Additional Condition 2** – no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club;

**Additional Condition 3** – no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from:

- (a) any benefit accruing to the club as a whole
- (b) any benefit, which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club s62 & s64 of Act

**Relevant representations**, which are

Representations

- (a) relevant to one or more of the Licensing objectives, and
- (b) made by an interested party or responsible authority within the appropriate period, and

- (c) have not been withdrawn, and
- (d) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the Council frivolous or vexatious

The Council will determine whether representations are relevant or not.

**Responsible:** Any of the following:

**Authority**

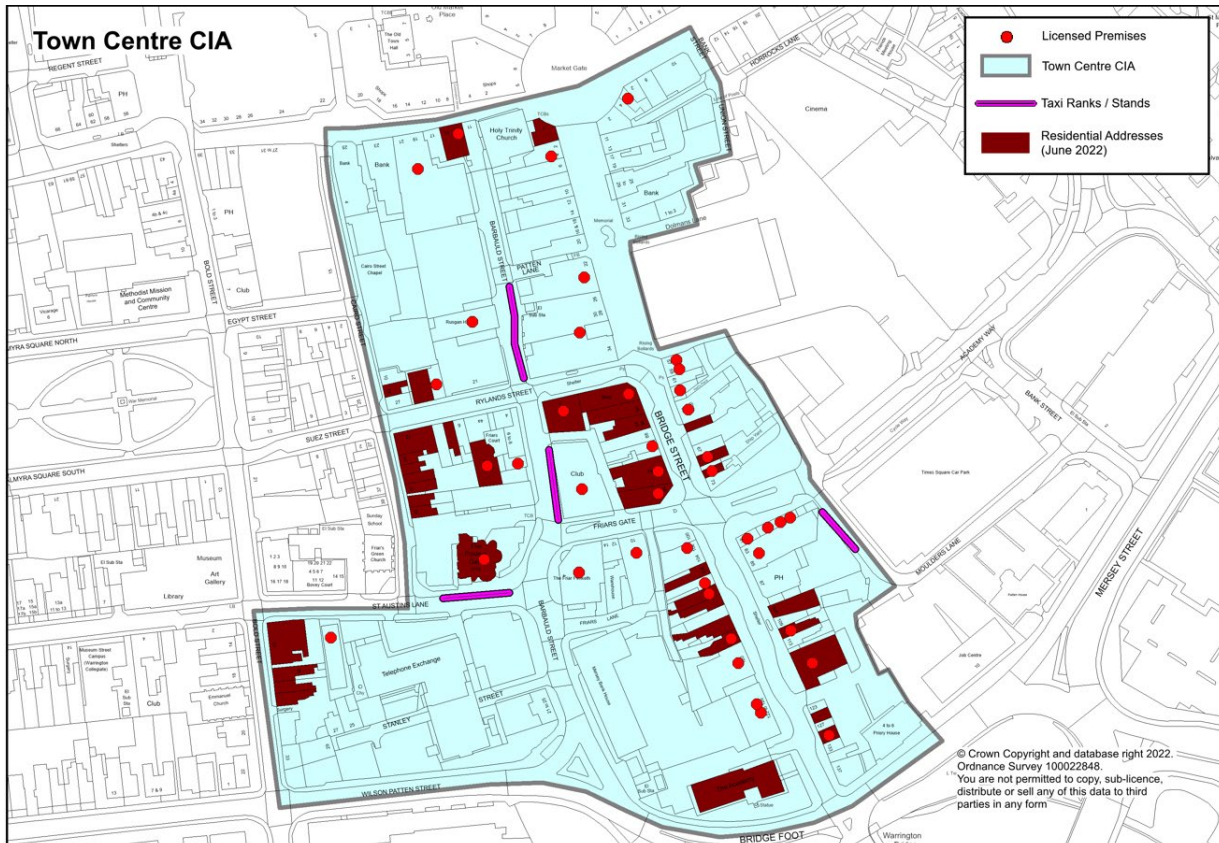
- (a) the Chief Officer of police for any police area in which the premises are situated,
- (b) the Fire Authority for any area in which the premises are situated,
- (c) the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for the area.
- (d) the Local Planning Authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated,
- (e) the Local Authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (f) a body which:
  - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - (ii) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters,
- (g) the relevant Licensing Authority whose area the premises is situated,
- (h) the local Primary Care Trust
- (i) in relation to a vessel-
- (j) a Navigation Authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be navigated at a time when it is used for Licensable Activities,
  - (i) the Environment Agency,
  - (ii) the British Waterways Board, or
  - (iii) the Secretary of State,
- (k) a person prescribed for the purposes of this subsection and the Local Weights and Measures Authority (Trading Standards)

For the purposes of the above, "statutory function" means a function conferred by or under any enactment.



# Appendix 5: Maps of the Cumulative Impact Areas

## Bridge Street



### Streets within the CIP

- |   |                 |                      |
|---|-----------------|----------------------|
| Hill Street   | Academy Way     | Friars Gate          |
| Bridge Foot   | Cairo Street    | Friars Lane          |
| Lyme Street   | Barbauld Street | St Austins Lane      |
| Old Market Place  | Patten Lane     | Stanley Street       |
| Sankey Street   | Bridge Street   | Wilson Patten Street |
| Market Gate   | Dolmans Lane    | Bold Street          |
| Buttermarket Street   | Rylands Street  | Harts Place          |
| Horrocks Lane   | Bank Street     | Corporation Street   |
| Union Street  | Mersey Street   | Barbauld Street      |
| Academy Street  | Moulders Lane   | The Mall             |
| Horrocks Lane (as defined in part on the map in Appendix 5) |                 |                      |

