

BURY LICENSING POLICY 2011 - 2014

Licensing Act 2003

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Please note: Readers are advised to consult the Licensing Act 2003 and regulations issued thereunder as well as this policy.

Ratified by Council on XXXX.

i) Glossary

The Licensing Authority (the Authority)

Council of the Metropolitan Borough of Bury.

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

The operating schedule

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

The Act

The Licensing Act 2003.

The Borough – the administrative area for the Metropolitan Borough of Bury

Secretary of State's guidance

Guidance issued under Section 182 of the Act.

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

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

ii) Appendices

1. Responsible authorities and useful websites.
2. Delegations.
3. Conditions
4. Hypnotism
5. Statutory Qualifying conditions for clubs

iii) Consultees – a full list of consultees involved in settling this policy and their relevant responses are available from the Licensing Office

Further details about the licensing and application process, including application forms, can be obtained from:

Licensing Service
Bury Council
Town Hall
Knowsley Street
Bury
BL9 0SW
Telephone: 0161 253 5208
Fax: 0161 253 6090
Email: licensing@bury.gov.uk
Website: www.bury.gov.uk

Useful web links are set out below (these may change over time)

<https://lpe.bury.gov.uk> - Bury Council's Public Register

www.bury.gov.uk – Bury Council website page

www.hmso.gov.uk – contains the Licensing Act 2003 and associated regulations

www.culture.gov.uk – contains the guidance to the Licensing Act 2003

1.0 Purpose and Scope of the Policy

This policy relates to the following licensable activities defined by the Act.

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

Bury Council is the Licensing Authority (‘the Authority’) for the licensing of licensable activities under the provisions of the Licensing Act 2003 (‘the Act’).

The Act requires the Authority in respect of each 3 year period to determine and publish its statement of licensing policy (policy) with respect to the exercise of its licensing functions.

The Act requires the Authority to consult various bodies before determining and reviewing the policy. Reviews will be conducted using the same process as the original consultation.

This policy comes into force on **7th January 2011**, and will remain in force for a period not exceeding three years, and will be subject to review and further consultation before **7th January 2014**. During each 3 year period the Authority will keep the policy under review making amendments as it considers appropriate to support the licensing objectives.

The aim of this policy is to strike a balance between the safety and amenity of residents, businesses and those working or engaged in normal activity in and around the Borough whilst encouraging a sustainable and vibrant entertainment and cultural industry. This policy embraces a vision for the development of a successful and vibrant evening economy.

Additional opportunities for licensable activities must be matched by appropriate and proportional measures to support the licensing objectives.

The Authority will endeavour to secure the proper integration of the licensing policy with other Council and Government strategies and policies so far as they impact on the licensing objectives e.g. crime and disorder, planning, tourism, culture and transport. To assist this process the Authority will facilitate discussion between interested parties, responsible authorities, other agencies and with the Authority.

The Authority accepts that a premises licence/club certificate holder is responsible for the control of activities on and in the vicinity of their premises. The policy is designed to deal with matters within the control of the premises licence/club certificate holder. It is not a mechanism for the general control of anti-social

behaviour by individuals once they are beyond the direct control of the licensee or licensed premises.

The policy sets out a general approach to the making of licensing decisions that are compatible with the Act and the associated guidance. It does not prevent any individual from making any application and having it considered on its individual merits. Nor does it seek to override the right of any person to make representations on an application or to seek a review where the Act allows them to do so. When considering applications the Authority will take into account all relevant representations, and the measures to support the licensing objectives taken by or proposed by the applicant through the operating schedule.

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

In adopting this policy, the Authority recognises that each application will be considered on its individual merits and that unless relevant representations are received in respect of a licence application from responsible authorities or interested parties, there is no provision the Authority, to refuse an application or impose conditions on a licence other than those proposed within the application.

Nothing in this policy will seek to limit the number of licensed premises simply because the Authority, any Interested Party or Responsible Authority (see Appendix 1) consider that there are enough licensed premises to satisfy demand. This is properly a commercial decision for the applicant.

The Authority will not attempt to regulate matters that are provided for in other legislation e.g. planning, health & safety, fire safety etc., through its licensing functions.

The Authority will endeavour to carry out its licensing functions in a way that supports well managed premises where licence holders display sensitivity to the potential impact of activities on local residents and other businesses.

The Authority is aware of the need to avoid the imposition of conditions and other controls, which could deter some forms of live entertainment. Only proportionate, reasonable controls necessary for the promotion of the licensing objectives will be considered.

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

1.1 Context

Ideally the objective is to support a range of facilities (retail, leisure, restaurants, public houses etc) that appeal to different groups that would change seamlessly over the period between the end of the traditional working day and the late evening/early hours. The residential element into the town centre presents both a challenge and an opportunity.

The Authority recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. The Authority wishes to encourage licensees to provide a wide range of entertainment activities within the borough throughout their opening hours and to promote all types of live

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

Council parks currently licensed for entertainment within Bury are:

- Whitehead Memorial Gardens, Bury
- Clarence Park and Miss Walker's Fields, Bury
- Nuttall Park, Ramsbottom
- St Mary's Park (playing fields), Prestwich
- Openshaw Park, Bury
- Hoyles Park, Bury
- Close Park, Radcliffe

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

- Crime and Disorder Act 1998 in particular Section 17
- The Anti-Social Behaviour Act 2003
- Clean Neighbourhood and Environment Act 2005
- Violent Crime Reduction Act 2005
- Health Act 2006
- Police and Crime Act 2009

2.0 Authority Profile

The Authority is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 180,608 it occupies an area of 9,919 hectares and is based on the 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich. The evening economy operates predominately around Bury Town Centre.

The Authority currently licenses:

445 Premises Licences with Alcohol
125 Premises without Alcohol
52 Club Premises Certificate
1319 Personal licences

The East Lancashire Railway now provides a link to the neighbouring town of Heywood and provides a tourism base on the station towns of Bury and Ramsbottom.

During 2010/11 we will see the coming to fruition of a number of significant development schemes which, together, have the potential to transform perceptions of Bury and particularly Bury Town Centre and the way in which buildings and the public realm are used. A major town centre extension has recently been completed which has doubled the retail floor space, delivering a broad mix of retail, leisure, tourism, offices and residential property. Of particular significance will be expansion of the retail sector in the daytime economy with an additional 52 new retail units, 8 food and drink outlets, plus a 10 screen Vue cinema, AMF bowling, and over 400 residential units offering a 'city centre living' concept. This development has considerably increased the number of new shoppers and leisure consumers on weekdays, together with the growing residential population.

Whilst the physical expansion of Bury Town Centre has created considerable opportunities and challenges, of equal or greater significance is its development from what was predominately a retail centre into one that has a mixed leisure and residential component. A previous criticism of the centre was that the evening

economy consists of little other than outlets selling alcohol and fast food offerings that compete in terms of price and length of opening hours.

3.0 Licensing Objectives

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

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

The Authority recognises that these are the only objectives relevant for the purposes of this policy, and for decisions made under the Act.

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

The applicant will be expected to demonstrate the positive steps taken to support these objectives through the Operating Schedule provided with the application. Applicants for premises licences or club premises certificates or for major variations to such licences or certificates are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment should cover the premises, events, activities and the customers expected to attend and will inform any necessary steps to be set out in the operating schedule to promote the licensing objectives.

Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), in appropriate cases it would consider such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

Additional measures may be necessary on an occasional basis such as when a special event or promotion is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

3.1 Prevention of Crime and Disorder

The Authority expects applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been considered to minimise or prevent crime and disorder in and around the vicinity of their premises and how any identified control measures will be implemented. Control measures may vary between premises and will be relevant to the individual style and characteristics of their premises and events.

3.1.1 Considerations

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

- a) Number of people likely to frequent the premises, the customer profile, potential for underage drinking and drink abuse
- b) Condition and design of the premises
- c) Where alcohol is sold the position on the Designated Premises Supervisor
- d) Use of CCTV both within and outside the premises
- e) Procedures for the risk-assessment of promotions and events that have the potential to cause crime and disorder, and plans for minimizing the effects
- f) Measures to prevent the use or supply of illegal drugs and search facilities
- g) Employment and regulation of licensed door supervisors and other appropriately trained supervisors/staff
- h) Active participation in an appropriate Pub & Club Watch Scheme, or other scheme designed to ensure effective liaison with the local community, the relevant authorities and other licensees
- i) Participation in a local radio/pager link scheme and communication with the Police
- j) Dispersal Policy
- k) Provision of adult entertainment
- l) Adherence to best practice Codes of Practice

This list is not exhaustive and is provided, simply, to give examples of appropriate proposals for consideration in the operating schedule. Some control measures will assist in the promotion of more than one of the licensing objectives. The Licensing Authority accepts that the Operating Schedule will reflect the circumstances at individual premises. Applicants are encouraged to liaise with the police when compiling their operating schedules.

3.1.2 Reasons

Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Authority the practical steps that will be taken to further this objective.

A change in customer numbers and profile can alter the risks associated with any particular business.

The design and layout of premises can assist in the prevention, detection and recording of crime and disorder.

The Operating Schedule for premises from which alcohol will be sold must identify the Designated Premises Supervisor. The Authority will expect the Designated Premises Supervisor to have been given the day to day responsibility for running the premises by the holder of the Premises Licence and, as such, be present on the premises on a regular basis. The Chief Officer of Police must object to the designation of a new or variation to an existing Designated Premises Supervisor where s/he believes that for exceptional circumstances such an appointment would undermine the crime prevention objective.

3.1.3 Adult Entertainment

Bury Council has recently re-adopted the provisions of Schedule 3 Local Government [Miscellaneous Provisions] Act 1982 and is currently drafting a policy which will relate to adult entertainment venues and activities.

3.1.4 Drugs

Drugs alter the way people behave, their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger. The Authority recognises that drug-use by young people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as night clubs and dance venues can be popular both with drug mis-users and suppliers, and there is evidence of increased use of drugs even in traditional community-type public houses.

The Authority will expect licensees of venues likely to be affected by drug issues to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent drug misuse on the premises. Applicants are expected to liaise and co-operate with the police regarding issues of drug use.

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

3.2 Public Safety

The Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been considered and adopted to ensure public safety, in and around the vicinity of their premises and how any identified control measures will be implemented. Control measures may vary between premises and will be relevant to the individual style and characteristics of their premises and events.

3.2.1 Considerations

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

- a) the capacity of the venue
- b) the condition, design and layout of the premises
- c) the nature of the activities to be provided whether licensable or not
- d) the use of any special effects such as lasers, smoke/ foam machines
- e) means of access and egress
- f) the use of CCTV
- g) hours of operation
- h) customer profile including any special needs of any groups
- i) staff training especially in dealing with emergency situations

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

The Authority accepts that the Operating Schedule will reflect the circumstances at individual premises.

3.2.2 Reasons

Public safety is a very important licensing objective as it is about protecting the safety and the lives of patrons and staff. It is the intention of the Authority that anyone visiting or working within a licensed venue can do so in complete safety, confident that they are visiting premises that have been constructed with safety in mind and that are well managed and maintained.

In certain situations customers may be in unfamiliar surroundings and under the influence of alcohol. Additionally, they may be subject to reduced lighting levels and increased sound levels. The use of special effects may increase a feeling of disorientation.

Certain types of entertainment such as hypnotism may require special consideration and planning. If an applicant wishes to have a performance of stage hypnotism at any time this should be addressed in the Operating Schedule. In the event of any performance of stage hypnotism the Authority will normally require written notification 8 weeks prior to the performance taking place. Where consent is given for this type of entertainment the council will impose specific licence conditions under the Hypnotism Act 1952 designed to ensure the safety of the audiences and in particular to ensure that children are not admitted to and cannot participate in such activities. Likely conditions are attached at Appendix 4.

3.3 Prevention of Public Nuisance

The Authority understands 'public nuisance' to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

The Authority recognises the intention of the legislation in seeking to achieve a more flexible-licensing regime with the concept of wider hours of operation than previously existed. Applicants should be aware that the application forms for Premises Licences and Club Premises Certificates are prescribed by regulations are of standard format nationally, regardless of the size or location of the venue to be licensed. For ease of selection, they list the various forms of licensable activities. This does not mean that all venues are suitable either by design or location to host every form of licensable activity. For example, few town centre venues are suitable to stage boxing or wrestling events. It has also been the experience of this Authority that premises adjoining or in close proximity to residential properties do not lend themselves to the performance of live bands or karaoke and frequently result of noise nuisance complaints being received from local residents. The Authority will generally expect applicants, particularly those wishing to operate late into the night, to demonstrate that they have taken measures to minimise the potential for nuisance to arise, although each case will be decided on the particular merits.

Off sales of alcohol in shops, stores and supermarkets etc. will generally be permitted during the normal hours they wish to open, in accordance with the hours granted in any planning consent. However, in the case of individual premises, which are a focus for disorder and disturbance then, subject to representations, limitations may be appropriate. The Authority recognises the special position of restaurants or other premises where the sale of alcohol is incidental to the main licensable activities at the premises.

3.3.1 Considerations

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

- a) the hours of opening and operation
- b) the nature of the activity at the premises
- c) the location and use of nearby properties
- d) the number of people likely to attend the venue, available transport options and dispersal policy
- e) the design and layout of the premises
- f) operation of the premises to prevent escape of noise, smells etc
- g) the use of outdoor areas
- h) last admissions policy
- i) queue control

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

The Licensing Authority accepts that the Operating Schedule will reflect the circumstances at individual premises.

3.3.2 Reasons

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion. It may be caused by the premises directly or customers being noisy when leaving, leaving litter or taking up on-street car parking space in close proximity to residential premises. The impact of noise generated by these activities is particularly intrusive at night when ambient noise levels are much lower. As a result there can be a distinction between the approach to be taken in predominantly commercial areas and predominately residential areas.

Where relevant representations are made, especially in residential areas, the Authority will seek to impose a closing time that doesn't give rise to nuisance. Later closing times may be permitted in certain circumstances:

- where there is a high level of accessibility to public transport services; and
- where there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicular movement will not cause demonstrable adverse impact to local residents
- where through the Operating Schedule an applicant indicates that appropriate steps to comply with the licensing objective of preventing public nuisance are to be taken.
- the licensed activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;
- there will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area.

3.3.3 Management of Potential Noise Nuisances

One of the greatest irritations to residents trying to sleep is the sound of music escaping from licensed premises. Such an escape of sound might preclude the grant of a licence or, if one has already been granted, for it to be reviewed with a view to possible revocation. Responsible applicants and

licensees will wish to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.

There can be little doubt that a well-managed licensed venue can benefit the local community. On the other hand, there is clearly a risk of local residents being disturbed, particularly if the venue is open late at night. People leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.

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

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

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

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- At appropriate times using the PA system to make announcements to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Availability of licensed Hackney Carriage and Private Hire Vehicles to take patrons from the premises.
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels, where practicable without causing further nuisance.

- Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after a specified time, or ensuring it is vacated 30 minutes before the terminal hour.
- Ensuring that customers are not permitted to take open bottles or glasses of alcohol out of the premises.
- Taking appropriate steps where necessary to deal with noxious smells and light pollution.

3.3.4 Consideration of Applications

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

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

Or

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

Or

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

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

- The precise nature of the activity, especially for entertainment, will be a factor in considering the impact, principally in terms of the age and orderliness of the customers.
- Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower.
- The Authority's preference is to see licensed activities located in places where customers are not reliant on private car use, and can walk or use public transport. The Borough varies considerably. In town centres, a high use of public transport could be expected by the customers of licensed

premises but, even there, car use is likely to increase when activities go on very late. Consequently, there could be unacceptable parking and traffic in nearby residential areas.

- The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. It would not be appropriate, for instance, to have licensed activities which cause large numbers of people to exit into a residential area as opposed to a situation where pedestrian movement takes place directly to and from nearby public transport services.

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

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

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

3.4 Protection of Children from Harm

The Authority recognises that with few exceptions the Act allows for the free access of children to all licensed premises, subject to the licensee's discretion and any conditions applied to the licence.

It is hoped that family friendly premises will thrive, but the prevention of harm to children remains of paramount importance when determining applications. The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films or transmission of programmes or videos, includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.

Where large numbers of unaccompanied children are likely to be present, for example, a children's show or pantomime, the presence of an appropriate number of adult staff may be required. If appropriate the provision of such staff should be included in the Operating Schedule.

When considering applications for premises licences and options appropriate to prevent harm to children, the Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided.

For the purpose of this policy, the Licensing Authority recognises the following body as “the responsible body” to advise on matters relating to the protection of children from harm:

Local Safeguarding Children Unit
18-20 St Mary’s Place
Bury
BL9 0DZ

The Authority will conduct operations relating to under-age sales to ensure compliance with protection of children from harm objective.

3.4.1 Considerations

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

- a) the appropriateness of activities conducted on the premises
- b) an age restriction
- c) proof of age schemes
- d) the potential for underage drinking
- e) limits on the hours children can be on the premises
- f) identification of times when children should not be present
- g) the need for an accompanying adult
- h) exclusion for certain events
- i) restrict viewing of age-restricted films to the recommendations of the British Board of Film Classification or by the Council.

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

The Licensing Authority accepts that the Operating Schedule will reflect the circumstances at individual premises.

3.4.2 Reasons

Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. In certain circumstances conditions restricting access or excluding children completely may be considered necessary.

In the case of film exhibitions, the Licensing Authority will expect licensees to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or by the Council. In the case of a film exhibition that has not been classified, the admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

Where large numbers of unaccompanied children are likely to be present, for example, a children’s show or pantomime, conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and protection from harm.

The policy is designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are “user friendly” for children, but also to ensure that they are adequately protected.

The Authority will support proof of age schemes for example Challenge 21/25 and expect proof of identity to be nationally recognised e.g. driving licence, passport or with PASS accreditation, as a means of protecting children.

4.0 Other Considerations

4.1 Licensing Hours

The Authority recognises the widespread fixed closing times in certain areas can lead to peaks of disturbance and disorder when large numbers of people emerge onto the streets at the same time. Flexible licensing hours, particularly where alcohol is involved may therefore be an important factor in reducing friction at late night food outlets, taxi ranks and other late night services.

The Authority accepts that as a general principle, the act permits activity which does not undermine the licensing objectives, taking place over 24 hours and 7 days a week.

Shops, stores and supermarkets will generally be permitted to sell alcohol during the normal hours they intend to open for shopping. However, in the case of individual premises which are a focus for disorder and disturbance then, subject to representations, limitations may be appropriate.

It will be necessary for applicants, who wish to vary the hours during which alcohol is sold for consumption on the premises, to include in the Operating Schedule the times when the premises will open, when sales of alcohol will commence and cease, and the time when the premises will be closed. This will, in effect, facilitate "drinking up time".

No general restriction or limitation on hours in any area is imposed by this policy but in seeking hours of activity that go through the night and into the morning, licence holders will be expected to show proactive action and taking responsibility to ensure their management of premises do not allow situations to develop which undermine the licensing objectives.

The hours requested by the applicant will normally be approved where the applicant can show that the proposal would not, with regard to the licensing objectives, adversely affect the environmental quality, residential amenity and character of any particular area. In seeking hours of activity that go through the night and into the morning, licence holders will be expected to show proactive action and taking responsibility to ensure their management of premises do not allow situations to develop which undermine the licensing objectives.

Where late hours are requested, particularly for those involving entertainment and in residential areas, subject to representations received, the imposition of stricter conditions may be appropriate to promote the licensing objectives.

Applicants are strongly encouraged to consider all matters within their control that support the licensing objectives. The more matters are dealt with at the application stage the less likely applications are to attract representations.

4.2 Planning

Within the Authority the licensing and planning functions are separate.

Operating hours granted within the licensing process will not replace any restrictions imposed as a planning condition and vice-versa. Planning and licensing matters will have to be addressed separately through the relevant process.

It is recognised that in certain circumstances a provisional statement may be sought alongside planning permission.

When necessary there will be an exchange of information between the Planning and Licensing departments regarding the numbers, types etc. of licensed premises.

As the need arises the Licensing & Safety Panel will receive reports on the needs and aspirations of the local tourist economy, the Cultural Strategy and the current employment situation to enable the Panel to reflect these matters in their considerations, notwithstanding the fact that decisions on applications made under the Act, shall be made on the basis of promoting the licensing objectives .

4.3 Cumulative Impact

Where it can be demonstrated, in a particular identifiable area, that excessive crime/disorder/nuisance has arisen, or the amenity of local residents/businesses is being placed under severe pressure by the customers of licensed premises and it is not possible to attribute those problems to individual premises the Authority will, with full consultation, consider the introduction of a special saturation policy, which would introduce a presumption of refusal in a specific defined geographical area (subject to consideration of representations received).

Where the Licensing Authority receives representations from a Responsible Authority or an Interested Party (see Appendix 1) that the cumulative effect of new licences is leading to an area becoming saturated with premises making it a focal point for large groups to gather in and circulate away from, and that this is creating exceptional problems of disorder and/or nuisance over and above the impact of the individual premises, the Authority can properly consider whether or not the granting of an additional licence might lead to one or more of the licensing objectives being undermined.

The consequences of a "saturated area" may be:

- An undermining of one or more of the licensing objectives
- An increase in crime against both property and persons
- An increase in noise causing disturbance to residents
- Traffic congestion and/or parking difficulties
- Littering and fouling

This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

Where there is evidence that a particular area of the district is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further application for premises within any area identified. As such, the Authority will take into account:

- The character of the surrounding areas
- The impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
- The nature and character of the proposed operation

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

4.4 Conditions

The Authority will not impose standard conditions on licences (other than mandatory conditions required by the Act), nor will it impose disproportionate or over burdensome conditions on licences.

The Authority has developed and published a pool of model conditions; attached as Appendix 3. The conditions are for guidance only and do not form part of the policy, they will be modified and added to as the need arises. Following representations or to support suggested action by the applicant there is a need for conditions to be attached they will be tailored to the individual style and characteristics of the premises or activity concerned.

Where late hours are requested, particularly for those involving entertainment and in residential areas, the imposition of stricter conditions may be appropriate to support the licensing objectives and they may be time and/or activity related.

5.0 Licence Reviews

The provisions of the Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.

Responsible Authorities or Interested parties (local residents, local organisations/businesses and councillors) are able to call for a review of a premises licence/club premises certificate. Whilst the Licensing Authority itself can not initiate the review process, responsible authorities within the Authority such as the Trading Standards Department are entitled to do so. Responsible authorities will aim to give licence holders early warning of any concerns identified at a particular premise.

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

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

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

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

In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued/refused. Appeals in relation to all other licences must be made to the Magistrates' Court where the premises or event is situated.

On determining an appeal, the court may:

- dismiss the appeal
- substitute for the decision appealed against any other decision which could have been made by the Council
- remit the case to the Council to dispose of it in accordance with the direction of the court.

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

An aggrieved party can generally apply to have a decision reviewed in the High Court on the basis that it is beyond the legal powers of the Council or in the event that the correct process has not been followed. If the action is successful, the High Court may quash the decision and remit the case back to the Council to take the decision again.

5.1 Enforcement

If the need arises enforcement action will be taken in accordance with the Authority's agreed enforcement policy and the Regulators' Compliance Code. The Authority has developed protocols with the Police and other enforcement bodies.

In general terms enforcement will be targeted to problem and high risk premises/activities which require greater attention, premises which are well run and managed and therefore present a lower risk will enjoy a greater degree of self regulation. Compliance visits will take place at the discretion of the Authority and partner agencies and resources will be concentrated on areas of need.

The Authority will continue to work with the licensing trade to ensure compliance with the Act and the promotion of the licensing objectives.

Where a licence holder is convicted of an offence under the Act, associated legislation or as a result of some other serious crime, a review of the licence is likely to follow.

The Authority will investigate complaints where it is alleged that licensable activities have/or are to take place without the relevant licence/certificate/notice and will use its discretion to determine whether, in the circumstances, it is in the public interest to take enforcement action. Factors which may be taken into account are:

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

6.0 Premises Licences

In addition to what may be described as traditional licensed premises, a licence may be required for public spaces, buildings such as community halls, parks and other open places. Licensable activities, carried on by many different organisations can then simply take place with the permission of the licence holder.

The Authority will consider applications from community premises e.g. church hall, chapel hall, village and parish hall or other similar buildings to remove the requirement needing a designated premises supervisor with a personal licence to sell alcohol.

7.0 Personal Licences

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

If an applicant has a relevant conviction the police can oppose the application. If an objection is lodged by the police, a hearing of the Authority's Licensing Panel will be held. The Authority will consider carefully whether the grant of the licence will be in conflict with the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Authority will only grant the application if it is satisfied that doing so will promote this objective.

A person holding a personal licence should be a person who is not only properly qualified but a person who will assist the police and relevant authorities in the fight against crime. Granting a licence to a person with a criminal history may in some cases undermine rather than promote the crime prevention objective.

Through the Operating Schedule the Authority will expect assurances on the accessibility of the personal licence holders and designated premises supervisors.

8.0 Provisional Statements

The Authority recognises that in certain situations businesses and developers need to have security that a premises licence is likely to be granted following construction or alteration of unlicensed premises.

The Authority will issue provisional statements in accordance with the Act and guidance.

9.0 Temporary Events Notices

Although Temporary Events are not subject to the same degree of control as premises holding a full premises licence, individuals who give notice of such events will be encouraged to organise the event in a way that supports all of the Licensing Objectives.

Depending on the nature and location of such events, these can have serious crime and disorder implications. Whilst accepting that the statutory notification period is a minimum of 10 days organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Authority to work with them to identify and reduce the risk of crime and disorder.

It is advisable to ask the relevant authorities for advice when organising such events.

General advice on organising events is available on the Council web site www.bury.gov.uk

10.0 Club Premises Certificates

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

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

The supply of alcohol, and provision of other licensable activities on qualifying club premises, is authorised by way of a club premises certificate, which is issued by the Licensing Authority.

The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:

- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
- the absence of a requirement to specify a designated premises supervisor;
- more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
- the club premises not being subject to police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice or premises licence) because they operate under their codes of discipline and rules which are rigorously enforced; and
- not being subject to potential orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.

The arrangements for applying for, or seeking to vary, club premises certificates are similar to those in respect of a premises licence. Club Premises Operating Schedules prepared by clubs, as with Operating Schedules for premises licences, must include the steps the club intends to take to promote the licensing objectives.

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

The legislation detailing the statutory qualifying conditions for clubs is provided at Appendix 5.

11.0 The Licensing Process

The Licensing Office will be prepared to informally discuss a potential application with an applicant prior to formal application being made. In the event of an application attracting representations, the Licensing Office shall endeavour to facilitate discussion between the various parties where this is considered appropriate.

The processing of applications and variations by the Authority is controlled by a strict timetable. To ensure the Authority meets that timetable and to ensure that all relevant matters are taken into account in making the decision, the Authority will not normally accept an application unless it is complete in all respects at the time of submission.

The duties of the Authority under the Act may be carried out by the Licensing & Safety Panel, by a Sub-committee or by one or more officers, acting under authority formally delegated to them by the Authority. Appendix 2 provides an indication of the way in which the various functions have been delegated.

It is expected that many of the functions of the Authority will be largely administrative in nature, with no perceived areas of contention. In the interests of efficiency and cost-effectiveness, officers from the Licensing Officer will for the most part, discharge these functions under the supervision of the Licensing Unit Manager.

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

The Authority will have regard to Guidance issued by DCMS (or successor body) when determining applications. In particular, account will be taken of the need to encourage and promote live music, dancing and similar activities for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood, then those concerns will be carefully balanced against the wider benefits to the community. The Authority acknowledges the advice of DCMS that the views of local minorities should not be allowed to predominate over the general interests of the community.

The Authority will endeavour to ensure that, if a decision is made which is contrary to the DCMS Guidance, the applicant will be given a full explanation of that decision.

Appendix 1 Responsible Authorities

Licensing Unit Manager

Bury Council

Licensing Office
Town Hall
Knowsley Street
Bury BL9 OSW

The Fire Safety Manager

Greater Manchester Fire & Rescue Service

Bury Fire Station
The Rock
Bury BL9 5AH

Bury Safeguarding of Children Board

18-20 St Mary's Place
Bury BL9 0DZ

Development Manager

Bury Council

Planning Division
3 Knowsley Place
Bury BL9 0EJ

The Licensing Officer

Greater Manchester Police

Community Safety Unit
Town Hall
Knowsley Street
Bury BL9 OSW

Environmental Services

Bury Council

Health & Safety, Pollution and Weights & Measures Sections
3 Knowsley Place
Bury BL9 0EJ

Neighbourhood Authorities

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

Interested Parties – Those allowed to make representations under sections 18 or 72 Licensing Act 2003 (mainly local residents).

Appendix 2

Exercise and delegation of functions

The Authority will exercise and delegate functions in accordance with this table.

The full Licensing and Safety Panel will consist of 13 members, with a quorum of 3. A sub-committee (known as a Licensing Hearings Panel) will consist of 3 members.

| Matter to be dealt with | Full Committee | Sub Committee | Officers |
|---|-----------------------|----------------------------|---------------------------|
| Application for personal licence | | If a representation made | If no representation made |
| Application for personal licence with unspent convictions | | All cases | |
| Application for premises licence/club premises certificate | | If a representation made | If no representation made |
| Application for provisional statement | | If a representation made | If no representation made |
| Application to vary designated personal licence holder | | If a police representation | All other cases |
| Request to be removed as designated personal licence holder | | | All cases |
| Application for transfer of premises licence | | If a police representation | All other cases |
| Application for Interim Authorities | | If police representation | All other cases |
| Application to review premises licence/club premises certificate | | All cases | |
| Decision on whether a complaint is irrelevant frivolous vexatious etc | | | All cases |

| | | | |
|--|--|-----------|-----------|
| Decision to object when local authority is a consultee and not the lead authority | | | All cases |
| Decision to object when local authority is a consultee and not the lead authority All cases | | All cases | |
| Determination of a police representation to a temporary event notice All cases | | All cases | |
| Determination of a police representation to a temporary event notice | | All cases | |
| Application for Minor Variation | | | All cases |

Appendix 3

Licensing Act 2003 – Model conditions

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

The following conditions are offered for consideration by Licensing Hearings Panels should the Panel consider a licence be granted with additional and/ or modified conditions. They may also be offered by applicants/ licence holders through the application or mediation processes.

It is not the intention to apply all these model conditions to each and every licence. It is accepted that any conditions will only be attached to a licence where it is reasonable and proportionate to do so and promotes one or more of the licensing objectives.

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

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

Prevention of Public Nuisance

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.
3. All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
4. The ***beer garden / *outside area** is not to be used for licensable activities or for the consumption of alcohol after **[x]** hours daily. (*** delete as applicable**).
5. On occasions when the premises are used/hired to hold an 18th birthday party, at least one SIA registered security staff is to be employed at the premises for the duration of the function. In addition, on such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 23.00hrs. (**Consider such a condition for holders of Club Premises Certificates following noise nuisance representations associated with such use of the club**).

On occasions when the premises are used/hired to hold an 18th birthday party, on such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 23.00hrs.

6. Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.

7. At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.
8. No Refuse shall be disposed of or collected from the premises between the hours of **(insert hours)** where such disposal or collection is likely to cause disturbance to local residents.
9. Where the premises provide food to the public for consumption off the premises there shall be provided at or near the exits, **[give number]** waste bins to enable the disposal of waste food, food containers, wrappings etc.
10. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. *Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.*
11. The premises shall be closed to customers **[x minutes]** after licensable activity has ceased.

Prevention of Crime and Disorder:

12. The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The type of system and the number/positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs/tapes/hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police/Authorised Officers of the Licensing Authority upon request. The premises licence holder or designated premises supervisor **[delete as necessary]** is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.

On an annual basis [or at a greater frequency specified] the premises licence holder or the DPS is to notify the licensing office in writing that the cctv system has been checked, maintained to any recognised specification and is in working order. An action plan to be agreed to rectify any recorded malfunction or planned alterations.

13. A written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
14. A Personal Licence holder must be on the premises at all times when open to the public.
15. A Personal Licence holder must be on the premises on **(state days)** _____ between **xxxxhrs** and close of business.

16. A daily log must be maintained at the premises showing the full name, date of birth and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors & to Authorised Officers of the Licensing Authority on request.
17. Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
18. [x] security staff must be employed at the premises on [days] between the hours of [x] and close of business.
19. Security staff are to use their best endeavours to prevent persons loitering outside the premises.
20. The premises must be linked to a system of communication with the Police and other licensed premises as agreed with the Police and Licensing Authority. The system shall be kept in good working order at all times. When the premises are open to the public, the communications link to the Police and other licensed premises shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff. The system to be used to report incidents and warn each other of the presence of potential trouble makers in the area.
21. The communication system must be used to report information likely to be of interest to other parties to the network as soon as possible.
22. The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and attend at the meetings of the Pub and Club watch scheme for the area within which the premises is located.
23. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery or from moving from one part of the premises to another.
24. No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic or toughened glass during [time and/ or activity related].
25. No drink shall be removed from the premises in an unsealed container.
26. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
27. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present their duties shall be clearly defined. For use in situations where general h&s legislation won't apply.

Public Safety

28. Customers are to be prevented from leaving the premises with glasses or open bottles.

Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.

29. Only plastic glasses/plastic bottles/toughened glass are to be used in the outside areas.
30. The premises should operate at a maximum capacity of [x].
31. Clientele must not be admitted to the premises after [xhrs] **or** within [xhrs] of the end of licensable activity.
32. The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises. [this may include links to taxis and other transport providers.]
33. The DPS /licence holder must ensure members of staff are adequately trained with regard to [specify topic area].

Protection of Children from Harm:

34. The premises will operate a "Challenge 21 or 25" [delete as appropriate] proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 21/25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should to be accepted as proof of age.
35. The premises is to maintain a refusals book to record the details of incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police/authorised officers of the Licensing Authority on request.
36. All individual alcohol containers (e.g. bottles/cans/cartons) before going on display for sale are to be uniquely and indelibly marked in a manner approved by the Greater Manchester Police.
37. That ALL alcohol be displayed/stored behind the counter.
38. That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely:
 - i) All spirits, flavoured spirits, alco pops (i.e. spirit based drinks mixed with soft drink/flavoured juice etc) which will include and not be limited to products as "Bacardi Breezers" and similar products).
 - ii) Cider
 - iii) Lager
 - iv) [other]
39. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
40. No person under the age of [x] shall be permitted to remain on the premises after [x] hours.

Appendix 4

THE HYPNOTISM ACT 1952

CONDITIONS

1. The artiste shall be competent in the inducement of, and reversal of, a state of hypnosis.
2. No exhibition, demonstration, or performance of hypnotism shall involve any person under the age of 18 years.
3. The exhibition, demonstration or performance of hypnotism shall not, either directly or indirectly, induce, suggest to, or direct any person to behave in a manner which is either:
 - a) obscene, indecent, or offensive, and/or
 - b) aggressive, and/or
 - c) demeaning to an extent which would be unacceptable to the ordinary common person.
4. Any form of induced sleep or trance, under which any person is placed in the course of the exhibition, demonstration, or performance of hypnotism, shall be fully reversed immediately after that person's part in the exhibition, demonstration, or performance is concluded.
5. These Conditions form part of the authorisation, and shall be monitored/enforced by a responsible member of the management of the premises.
6. The hypnotist must produce satisfactory evidence of current Public Liability Insurance cover, (to a minimum level of £1,000,000), to the management of the venue prior to the performance taking place.

Appendix 5

STATUTORY QUALIFYING CONDITIONS FOR CLUBS

The following qualifying conditions for clubs are extracted from the Act.

The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following:

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

