



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

# **Statement of Licensing Policy**

The Licensing Act 2003

2021 –2026

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## 1. Introduction

1.1 Stockport Council is the Licensing Authority for the area of Stockport under the provisions of the Licensing Act 2003 (the Act) and is responsible for the regulation of licensing matters within the borough.

1.2 The Act requires the Council to produce a Statement of Licensing Policy every 5 years. This policy was published on XX XXXX 2021 and will be due for review no later than XX XXXX 2026. It can be reviewed at any time during the 5 year period, with any changes being subject to statutory consultation.

At the time of carrying out this review, the Licensing Authority acknowledges the exceptional circumstances being experienced by the licensed trade and stakeholders due to the global COVID-19 pandemic. On this basis there have been no significant changes to the 2016-21 policy. A full review and consultation will be carried out in the next 18 – 24 months when it is hoped the impact on the licensing regime will be better understood.

1.3 This Statement of Licensing Policy (the Policy) is published under Section 5 of the Act and states how Stockport Council, as the Licensing Authority, will exercise its licensing functions in order to promote the four Licensing Objectives which are:

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

1.4 The aim of the policy is to actively promote the Licensing Objectives, which in turn fully complement and support the values and priorities of the Council. The Council Plan for 20-21 has 4 key priorities:

- Stockport people are able to make positive choices and be independent and those who need support will get it;
- Stockport will benefit from a thriving economy;

- Stockport will be a place people want to live; and
- Communities in Stockport will be safe, resilient and inclusive.

- 1.5 The policy recognises the need to support residents and visitors in order to provide a safe and desirable environment in which to live, work and visit, and realises the importance of well run licensed premises in a vibrant and thriving local economy.
- 1.6 Well managed businesses and events licensed under the Act make an invaluable contribution to the economy within Stockport. A diverse licensed leisure and entertainment sector has a major role to play in making Stockport a place people want to live, work and visit, providing important social and community assets for both residents and businesses. This also supports related sectors such as the retail and tourism industry.
- 1.7 Premises that are not managed responsibly can impact negatively on the area causing problems directly related to the Licensing Objectives such as crime and disorder, anti-social behaviour, public nuisance e.g. noise issues and littering, public safety and underage drinking. All of these things put extra pressure on public services which can be addressed at source by a robust and effective licensing regime.
- 1.8 Licensing regulation can assist in promoting and improving public health, particularly with regard to alcohol consumption and alcohol related harm across the borough. Whilst the Council appreciates that there is currently no Licensing Objective in relation to public health, it recognises the positive impact that the promotion of all of the Licensing Objectives can have on improving public health.
- 1.9 The policy aims to contribute significantly towards helping the Council ensure that communities in Stockport will be safe, resilient and inclusive, through the robust regulation of licensed premises and by working closely with other regulatory agencies and businesses.

1.10 The interpretation of words and phrases in this Policy has the same meaning as those in the Act or in guidance issued under Section 182 of the Act.

1.11 The Council has several distinct functions under the Act, including acting as both the Licensing Authority and also as a number of different responsible authorities. Therefore the policy refers to the Council and licensing regulator as the Licensing Authority and individual responsible authorities by their departmental name, even though they are all part of the same Council.

## **2. Consultation for the Statement of Licensing Policy**

2.1 In accordance with section 5(3) of the Act, the following were consulted in order to finalise this policy:

- The Chief Officer of Police in Stockport;
- The local Fire Authority;
- Those that the Licensing Authority considers to be representative of holders of Premises Licences in Stockport;
- Those that the Licensing Authority considers to be representative of holders of Club Premises Certificates in Stockport;
- Those persons the Licensing Authority considers to be representative of holders of Personal Licences issued in Stockport; and
- Those persons the Licensing Authority considers to be representative of businesses and residents in Stockport.

2.2 A number of other non-statutory persons and bodies were consulted including the Director of Public Health.

## **3. About this Statement of Licensing Policy**

3.1 The overall aim of this policy is to actively promote the Licensing Objectives. It seeks to provide information and guidance to applicants, responsible authorities and any person who may be affected or interested in licensing matters. It clarifies the manner

in which the Council will consider applications and how it will approach matters relating to licensing. It will also set out what the Licensing Authority expects of licence holders and how they can contribute to the promotion of the Licensing Objectives and the overall priorities and key outcomes of the Council.

- 3.2 In preparing and publishing this policy, the guidance issued by the Secretary of State for the Home Office under section 182 of the Licensing Act 2003 has been taken into account along with good practice advice issued by approved government advisory bodies.
- 3.3 The policy has regard for the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Stockport and notes that it is a public health priority to reduce alcohol related harm.
- 3.4 The policy also takes into account the Council's statutory duty under the Crime and Disorder Act 1998, to have regard to the need to do all that it reasonably can to prevent crime and disorder, the misuse of drugs and alcohol related offending in the area.
- 3.5 The Licensing Authority will always have regard for its obligations under the Equality Act 2010, and will ensure that the policy does not disproportionately impact any particular equality group.
- 3.6 The Licensing Authority has taken account of the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012 and the Deregulation Act 2015, which brought in legislative changes to the Act which have been reflected in this policy.
- 3.7 The Licensing Authority is committed to protecting children from harm and recognises how an effective licensing regime can assist and inform other agencies to protect children from alcohol related neglect and abuse including preventing and tackling child sexual exploitation (CSE).

- 3.8 Nothing in this Policy prevents any one person or body applying for a variety of current permissions under the Act. Neither does it override the right of a responsible authority, other person or business to make a representation or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.9 The policy does not prejudice the requirement for the Licensing Authority to consider each application on its own merits. The Licensing Authority will only depart from this policy where there is satisfactory evidence or information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority will provide full reasons for the departure.
- 3.10 To achieve their aims, the Licensing Authority is committed to working in partnership with responsible authorities, local businesses, residents and others towards ensuring the continued success of the policy in achieving the statutory objectives of the Act and supporting the Council Plan. In considering these matters the Licensing Authority will focus on the four statutory Licensing Objectives.
- 3.11 Responsible authorities are public bodies that must be fully notified of certain applications. They are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence. The responsible authorities specified in the Act are:
- Stockport Council, in its capacity as the following:
    - Licensing Authority;
    - Health and Safety;
    - Environmental Health;
    - Weights and Measures Authority;
    - Planning; and
    - The Director of Public Health.
  - The Chief Officer of Police, in their capacity as the following;
    - For the prevention of crime and disorder;

- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm; and
- The local Fire and Rescue Authority.

## **4. The Integration of Policies**

- 4.1 Whilst the overall aim of this policy is to promote the Licensing Objectives, it is recognised that there are other key Council policies in place which also contribute to the Council Plan. This policy integrates as far as is reasonably possible with those strategies in order to assist Stockport in achieving its key outcomes.
- 4.2 Duplication with other legislation and regulatory agencies will be avoided as far as possible, and conditions will only be attached to licences which are necessary for the promotion of the licensing objectives.
- 4.3 Licensing regulation forms part of an overall strategy to address issues associated with licensed premises. The Licensing Authority will work in partnership with other Council departments and agencies with a view to promoting the Licensing Objectives. Other powers and services include;
- Enforcement of COVID-19 regulations;
  - Planning control;
  - Positive measures to create safe and attractive town and district centres;
  - Powers of the Council to designate public areas where the consumption of alcohol is not permitted;
  - Police powers for the confiscation of alcohol from adults and children in designated areas;
  - Police enforcement of disorder and anti-social behaviour;
  - Prosecution of personal licence holders and staff for selling alcohol to persons who are under age or drunk;



- Police powers to close down instantly any licensed premises on the grounds of disorder or likelihood of disorder or excessive noise emanating from the premises;
- Powers of the Council under the Environmental Protection Act and Health and Safety at Work Act;
- Power of a Responsible Authority, or other person to seek a review of a licence;
- Individual drinking banning orders;
- Police and Licensing Authority advice and support for licensees including ‘pub-watch’;
- Advice, support and regulation on fire safety and related issues by Greater Manchester Fire and Rescue Service; and
- Alcohol misuse and dependency treatment and support services.

#### 4.4 **The Safer Stockport Partnership (SSP)**

4.4.1 The SSP consists of statutory and voluntary organisations that work together to reduce crime and anti-social behaviour. Such local partnerships are a requirement of the 1998 Crime and Disorder Act, and total crime in Stockport has reduced by half since the inception of the SSP.

4.4.2 The Safer Stockport Partnership Plan for 2018 – 2021 explains what the partnership is here to do, what its priorities are and how they will be achieved.

#### 4.5 **Stockport Drug and Alcohol Policy**

4.5.1 The Safer Stockport Partnership brings together Stockport Council and Greater Manchester Police with partners in the NHS and other public and voluntary sector services to address crime, anti-social behaviour and drug and alcohol misuse in the borough. It has adopted a three-year strategy to address drug and alcohol misuse, which sets out to reduce the health and social harms experienced by individuals, families and communities.

4.6 **Greater Manchester Drug and Alcohol Strategy**

4.6.1 The Greater Manchester Drug and Alcohol Strategy 2019-21 provides opportunities to address drug and alcohol issues at a Greater Manchester Level.

4.7 **Tackling Child Sexual Exploitation (CSE)**

4.7.1 The Licensing Authority is committed to protecting children from harm. It recognises that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

4.7.2 Alcohol is also reported as a factor in CSE. Young people are encouraged or coerced into drinking alcohol, leaving them vulnerable to perpetrators of CSE. Licensed premises have been implicated nationally in the involvement with CSE, either taking place on the licensed premises or the premises being used for the purposes of grooming and enticement.

4.7.3 The Licensing Authority will report any issues of concern regarding the safeguarding of children to the appropriate safeguarding authorities and will act on any reports received in relation to the promotion of the Licensing Objectives. Where serious concerns and/or any criminal investigations in relation to the abuse of children are in connection with a licensed premises, the Licensing Authority will work with other agencies and consider a review of the premises licence / certificate.

4.7.4 The Licensing Authority expects licence holders and operators of licensed premises:

- To understand that the sexual exploitation of a child is a criminal offence;
- To ensure that they and their employees are fully aware of the signs of CSE and how to report it; and
- To report any concerns to the appropriate authorities.

4.7.5 Further information and contact details are available at

[www.safeguardingchildreninstockport.org.uk](http://www.safeguardingchildreninstockport.org.uk)

## **5. Matters within the Control of the Premises Licence / Club Certificate Holder**

- 5.1 The Licensing Authority recognises that licensing legislation is not the primary mechanism for the general control of individuals once they have left licensed premises, and therefore out of the direct control of the licence holder.
- 5.2 The Licensing Authority will focus on matters which are within the control of the individual licence holder and others who are granted relevant permissions.
- 5.3 Licence holders will also be expected to take reasonable steps to prevent the occurrence of anything that impacts negatively on the promotion of the Licensing Objectives immediately outside of their premises, such as on the pavement, beer garden or smoking shelter where and to the extent that these matters are within their control.
- 5.4 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that there is no negative impact on any of the Licensing Objectives as a result of activity in, or around the vicinity of the licensed premises.
- 5.5 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisors and door supervisors are competent and appropriately trained, and, where required, registered with the Security Industry Association (SIA) and in accordance with current legal requirements.

## **6. Planning and the need for Licensed Premises**

- 6.1 There are a number of key differences between licensing and planning control. Licensing is concerned with the operation and management of the premises whereas planning control relates to the use of the premises.

- 6.2 The Licensing Authority recognises that there should be a clear separation of the licensing, planning and building controls to avoid duplication and inefficiency. Licensing applications should not be seen as a re-run of any planning application. Licensing Committees are not bound by decisions made by a planning committee and vice versa.
- 6.3 The granting of a premises licence does not negate the need to obtain the appropriate planning permission and/or building control approval.
- 6.4 When exercising its licensing functions, the Licensing Authority will not be influenced by a question of need, unless there is a Cumulative Impact Policy in place for the area in which the premises is situated. The issue of whether or not there is a need for a particular premises is a commercial matter and not relevant to the Licensing Authority's considerations.
- 6.5 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensed hours, the earlier closing time must be observed. Any premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 6.6 Building Regulations govern a variety of issues which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

## **7. The Licensing Objectives and Aims**

- 7.1 The Council has a statutory duty to exercise its licensing functions with a view to promoting the four Licensing Objectives set out in Section 4 of the Act.
- 7.2 The Licensing Objectives are:-

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

7.3 Each objective is of equal importance for the purposes of this policy and the promotion of the objectives is of primary consideration all times.

7.4 The legislation also supports a number of other key aims and purposes. These are vitally important and are the principal aims of the Licensing Authority which make a significant contribution to the key outcomes of the Council Plan. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the Police and Licensing Authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

## **8. Licensable Activities**

8.1 This policy relates to all of the activities that must be licensed under the provisions of the Act, namely:

- 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 regulated entertainment (for audiences over 500 people and/or that which takes place between 11pm and 8am); and
- The provision of late night refreshment.

8.2 Premises are only permitted to provide any of the above activities once they have obtained authorisation from the Council in its role as the Licensing Authority.

8.3 The meaning of the licensable activity 'regulated entertainment' is complex and has been subject to a series of Government deregulation measures. It covers live or recorded music, dance, plays, films and some sporting activities, however there are a number of exemptions and restrictions on the types of activities subject to licensing. In addition to this, the Deregulation Act 2015 and Live Music Act 2012 means that live and recorded music at certain times of the day and in certain circumstances, is no longer regulated.

8.4 An authorisation for regulated entertainment is however always required for all of the above activities that take place before 8am and after 11pm unless exempted under any other provision of the Act.

## **9. Authorisations and permissions**

9.1 The Licensing Authority is empowered to grant, vary, review, revoke or refuse the following authorisations or permissions:

- Premises licence – to use a premises for licensable activities.
- Club Premises Certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
- Temporary Event Notice – to carry out licensable activities at a temporary event.
- Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

## 10. The Licensing Process

- 10.1 Licensing is about the regulation of licensable activities on licensed premises, clubs and at temporary events within the terms of the Act.
- 10.2 The Licensing Authority is committed to ensuring the highest levels of customer service for applicants, responsible authorities and interested parties, by providing high quality advice and information. Officers will endeavour to assist applicants in completing applications including the consideration of relevant conditions where appropriate, as far as is practicable. This is an important part of strengthening and complementing the existing relationship between the Licensing Authority and the licensed trade.
- 10.3 Licences can be issued under the following circumstances:
- By officers acting under delegated powers;
  - Following consideration by the full Licensing, Environment and Safety Committee (LEAS); or
  - Following consideration by a Sub-Committee of LEAS.
- 10.4 All applications must be complete and accompanied by the required documentation and fee, or they will be rejected and returned to the applicant.
- 10.5 **Premises Licences / Club Premises Certificates**
- 10.5.1 Applications must be made to the Licensing Authority on the prescribed forms which detail the application and the licensable activities applied for, as well as specifying during which times and on which days they will be carried out.
- 10.5.2 The applicant must address the Licensing Objectives through completion of the Operating Schedule where they should set out any steps they propose to take in order to promote the Licensing Objectives. These steps may then form the conditions volunteered by the applicant, which will be attached to the licence.

- 10.5.3 The Operating Schedule is a document which must be submitted with a licence application and must contain the information required by Section 17 of the Act. The Operating Schedule must include the steps which the applicant proposes to take to promote the Licensing Objectives. The Licensing Authority requires applicants to address all of the areas in this policy where they are relevant to the proposed licensable activity.
- 10.5.4 A copy of the application must also be provided to the responsible authorities, the responsibility of which depends on the format of the application:
- Application submitted in hard copy – applicant must provide a copy to the responsible authorities.
  - Application submitted electronically – the Licensing Authority must provide a copy to the responsible authorities.
- 10.5.5 If a responsible authority or interested party submits a relevant representation, then the Licensing Authority's discretion is engaged to attach additional conditions to a licence to meet those representations at a hearing of the Licensing, Environment and Safety Sub-Committee, if the Authority considers this to be appropriate in the individual circumstances of each application.
- 10.5.6 The Licensing Authority will process all applications taking into account any prescribed timescales in the Act, and where there are no timescales, within a reasonable time.
- 10.5.7 There is a public consultation period lasting for 28 days beginning from the first day after the application was received by the Licensing Authority. The application must be advertised in accordance with the Act by the applicant and the Licensing Authority within 10 working days of the application and in accordance with the Act.
- 10.5.8 If a responsible authority or interested party considers that the Operating Schedule does not adequately address any particular Licensing Objective, they may make a relevant representation to the Licensing Authority within the consultation period.



- 10.5.9 Representations need not just relate to the negative impact of a licence, but may be in support of an application.
- 10.5.10 Responsible authorities and any other persons have equal rights to make representations in respect of any application for the grant, variation, minor variation or review of a premises licence or club premises certificate regardless of their geographic proximity to the premises.
- 10.5.11 Any other persons may act in their own right, or they may request an individual or group to represent them. This may include a legal representative, a friend, an MP or a local ward or parish councillor, all of whom can all act in such a capacity.
- 10.5.12 Any representations received in relation to the application are considered relevant only if they relate to an issue that could adversely or positively impact upon one or more of the Licensing Objectives. An officer of the Licensing Authority will decide if the representation is relevant and will refuse any that are not deemed to be so. They will also refuse any representation that they consider to be frivolous or vexatious.
- 10.5.13 Where an application for a licence or certificate has been made lawfully and there have been no relevant representations, the Licensing Authority will grant the application and only the conditions volunteered by the applicant through the Operating Schedule and mandatory conditions specified in the Act can be attached to the premises licence. The licence will usually be issued by officers of the Licensing Authority acting under delegated powers.
- 10.5.14 Where an application has not been made lawfully, the application will be returned to the applicant and must be resubmitted to the Licensing Authority. The timescales specified by the Act will be restarted on receipt of a valid application.
- 10.5.15 Where the application has been made lawfully and any relevant representations have been made, the application will be determined at a hearing of a Sub-Committee of the Licensing, Environment and Safety Committee.

10.5.16 Before the hearing, all parties may liaise to seek a compromise to resolve the issues raised in the representations. For example, reducing the hours for the proposed activities, adding extra conditions, or removing proposed activities entirely, may address any concerns the objectors have had. In such circumstances, if the applicant agrees to the proposals and all parties agree that a hearing is not necessary, it will preclude the need for the application to be determined by the Licensing Sub-Committee. The Sub-Committee however must determine the matter by approving the agreement. The licence will then usually be granted by an officer of the Licensing Authority with any conditions volunteered by the applicant attached along with any mandatory conditions specified in the Act.

10.5.17 If the Sub-Committee is not prepared to approve the agreement, they must adjourn and have a hearing with all parties to allow the Sub-Committee to determine the application. The Licensing Authority may either grant or reject the application at the hearing. The Licensing Authority may also impose additional conditions, restrict licensable activities or trading hours, all of which must be appropriate to promoting the Licensing Objectives, proportionate and address the other general principles set out in the Act.

10.5.18 There is a right of appeal to the Magistrates Court against the decision of the Licensing Authority by any party to the original Licensing Sub-Committee hearing.

## 10.6 **Variations to a Premises Licence or Club Premises Certificate**

10.6.1 Where a premises licence holder wishes to amend the licence, in most cases the Act permits an application to vary the licence to be made rather than requiring an application for a new premises licence. The process to be followed depends on the nature of the variation and its potential impact on the Licensing Objectives.

10.6.2 There are simplified processes for making applications, or notifying changes in the following cases:

- A change of the name or address of someone named in the licence;

- An application to vary the licence to specify a new individual as the Designated Premises Supervisor;
- A request to be removed as the Designated Premises Supervisor;
- An application by a licence holder in relation to a community premises authorised to sell alcohol to remove the usual mandatory conditions as set out in section 19 of the Act concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence; and
- An application for a minor variation of a premises licence or club premises certificate.

10.6.3 Licensed premises or activities should not be altered in such a way as to make it impossible to comply with the existing licence and any conditions attached to it, without first seeking a variation of the premises licence. The applicant will need to propose the steps that will be taken to ensure the promotion of the Licensing Objectives in light of the variation. The application for variation will enable the responsible authorities to consider whether the Operating Schedule is acceptable.

#### 10.6.4 **Minor Variations**

10.6.4.1 An application may be made to the Licensing Authority for a minor variation to a licence that will not have an adverse impact on the Licensing Objectives. This is done by way of the simplified 'minor variations' process.

10.6.4.2 Minor variations generally fall into 4 categories:

- Minor changes to the structure or layout of the premises;
- The removal of out of date, irrelevant or unenforceable conditions;
- The addition of volunteered conditions; and/or
- The addition of certain licensable activities.

10.6.4.3 Applications to remove licensable activities will normally be approved as minor variations.

- 10.6.4.4 Where a licence holder applies for a minor variation to their licence, they are not required to advertise the variation in a newspaper or copy it to responsible authorities. They are however required to display a white notice at the premises in accordance with the regulations, for no less than 10 working days starting on the working day after the minor variation was given to the Licensing Authority.
- 10.6.4.5 Upon receipt of an application for a minor variation, the Licensing Authority will consider whether the variation could have an adverse impact on the Licensing Objectives. In considering the application, the Licensing Authority will consult relevant responsible authorities if there is any doubt about the impact of the variation on the Licensing Objectives or it requires specialist advice.
- 10.6.4.6 The Licensing Authority will also consider any relevant representations received from any persons in relation to the application. There is no right to a hearing under the minor variation process and the application is determined by an officer of the Licensing Authority acting under delegated powers. There is no right of appeal against the decision of the Licensing Authority.
- 10.6.4.7 Applications must be determined within 15 working days, beginning on the first working day after the application was received by the Licensing Authority.
- 10.6.4.8 Where the Licensing Authority considers that the variation could adversely impact upon one or more of the Licensing Objectives, the application will be refused. If the application is not determined within 15 days, the applicant will initially be offered the opportunity to treat the undetermined application as a new application.
- 10.6.4.9 The following variations are excluded from the minor variations process and must be treated as full variations in all cases:
- To extend the licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am;
  - To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises; and/or

- To increase the licensable area.

10.6.4.10 The Licensing Authority expects the applicant to clearly set out the reasons why the proposal will not have an adverse impact on the Licensing Objectives. Where reasons are not provided, less weight will be given to the potential of the variation to not have an adverse impact on the Licensing Objectives. In general, applications to add conditions will be considered as an exception to this presumption.

10.6.4.11 The Licensing Authority will take into account the following matters in considering whether Licensing Objectives could be adversely affected by a proposed change:

- Any change in circumstance;
- Any increase in capacity resulting from the variation;
- Any pre-agreement of the variation by responsible authorities;
- The licensing history of the premises and applicant; and/or
- The measures in this policy.

#### 10.6.5 **Full/Major Variations**

10.6.5.1 Any other changes to the licence or certificate require an application to vary the licence under sections 34 or 84 of the Act and will be considered to be a major variation to the licence.

10.6.5.2 The major variation process is the same as for a new licence application as described in Paragraph 10.5 of this Policy.

#### 10.7 **Reviews of a Premises Licence or Club Premises Certificate**

10.7.1 At any time following the grant of an authorisation, any person or responsible authority may submit an application for the review of the licence or certificate.

10.7.2 Applications for a review must relate to one or more of the Licensing Objectives and must not be considered as frivolous, vexatious or repetitious by the Licensing Authority.

- 10.7.3 A review application is subject to a similar consultation period to that for a new licence or major variation, during which representations may be made in support of or against the application.
- 10.7.4 Reviews are determined at a hearing of the Licensing, Environment and Safety Sub-Committee, unless a compromise can be reached between all parties and the review application is withdrawn before the meeting is held.
- 10.7.5 At a review hearing, the Licensing Authority may take any of the following measures that are considered appropriate for the promotion of the Licensing Objectives:
- Modify the conditions of the licence;
  - Reduce the hours that any licensable activity can take place;
  - Exclude a licensable activity from the scope of the licence;
  - Remove the Designated Premises Supervisor;
  - Suspend the licence for a period not exceeding 3 months; and/or
  - Revoke the licence.
- 10.7.6 In cases where there is evidence that any of the Licensing Objectives are being undermined, revocation of the licence will be seriously considered by the Licensing Authority, even in the first instance.
- 10.7.7 There is a right of appeal to the Magistrates Court against the decision of the Licensing Authority by any party to the original Licensing Sub-Committee hearing. In the event of an appeal by the licence holder, the decision of the Licensing Authority will not take effect until the appeal is determined or withdrawn, except in the case of a Summary Review which can only be brought by the Police.
- 10.7.8 When any problems are identified at licenced premises, depending on the seriousness of the issues, responsible authorities are expected to work with the licence holder to achieve compliance. Where appropriate, a pre-review meeting may be held to develop a Performance Improvement Plan, to address the issues within a given timeframe. Where the plan has not achieved the desired outcome, the responsible

authority should make an application to review the licence. If the matter is deemed to be so serious that it will require an immediate application for review, this will preclude the need for a Pre-Review Meeting.

## 10.8 **Personal Licences**

10.8.1 A Personal Licence authorises a person to sell or supply, or authorise the sale or supply, of alcohol on a licensed premises.

10.8.2 A Personal Licence is granted by the Licensing Authority where the person ordinarily resides and has effect until surrendered or revoked. The licence is portable although changes of home address must be notified to the issuing Licensing Authority.

10.8.3 In order to be eligible to apply for a Personal Licence, a person must:

- Be 18 years old or over;
- Possess an accredited licensing qualification;
- Have not forfeited a Personal Licence in the past 5 years; and
- Have no unspent convictions (offences related to dishonesty, licensed premises or a Personal Licence, firearms, violence, drink drive and other alcohol-related offences in the UK or abroad).

10.8.4 Where an applicant for a Personal Licence has an unspent conviction for a relevant offence, the Licensing Authority will consult with the Police, who will consider whether an objection to the licence is appropriate based upon a likely breach of the crime and prevention licence objective.

10.8.5 Where the Police have raised an objection, the application will be determined at a Sub-Committee hearing of the Licensing, Environment and Safety Committee.

10.8.6 The Licensing Authority may either grant or reject the application.

## 10.9 **Temporary Event Notices (TENs)**

10.9.1 TENs can be used to authorise premises for licensable activities for temporary periods of time or specific occasions.

- 10.9.2 The Licensing Authority does not grant a TEN. The organiser notifies the Licensing Authority of their intention to hold an event and only the Police and the Environmental Health function can intervene to prevent it from taking place or agree amendments to the TEN.
- 10.9.3 TENs are subject to a number of limitations. The Licensing Authority will reject the notice and return to the premises user where any of these limits are exceeded.
- 10.9.4 The limitations on a TEN are:
- The number of times a person (the ‘premises user’) may give a TEN – 50 times per year for a Personal Licence holder and 5 times per year for anyone else;
  - The number of times a TEN may be given for any particular premises – 15 times per calendar year;
  - The length of time a TEN may last – 168 hours or 7 days; and
  - The scale of the event in terms of the maximum number of people attending at any one time – fewer than 500.
- 10.9.5 The Licensing Authority must acknowledge receipt of the TEN within 1 working day if it is given lawfully.
- 10.9.6 There are 2 types of TEN which are subject to different processes. The reference to ‘working days’ below as defined by the Act and is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day that is a bank holiday in England and Wales. The working days’ notice is exclusive of the day on which the TEN is given and the day on which the event is to start:
- 10.9.7 **Standard TEN**
- 10.9.7.1 A standard TEN must be given no later than 10 clear working days before the event to which it relates.
- 10.9.7.2 If the required notice is not given, the TEN cannot be acknowledged and the licensable activity cannot take place.



- 10.9.7.3 The Police and/or Environmental Health are empowered to make representations in relation to a TEN within 3 working days of their receipt of the TEN and it must be in relation to the promotion of any of the Licensing Objectives.
- 10.9.7.4 Where a relevant representation is received, a Licensing, Environment and Safety Sub-Committee hearing will take place to determine the TEN.
- 10.9.7.5 The Police or Environmental Health can withdraw their representation at any time if they are satisfied that the organiser has addressed their concerns and amended the proposal accordingly.
- 10.9.7.6 Where the TEN is in connection with licensable activities at a premises that already holds a Premises Licence or Club Premises Certificate, the Licensing Authority may impose any of the conditions from that authorisation onto the TEN, providing the conditions are consistent with the event. Where the Licensing Authority considers that this is appropriate for the promotion of the Licensing Objectives, they will give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided to the Police and Environmental Health.
- 10.9.7.7 The Licensing Authority may either decide to allow the licensable activities to go ahead as stated in the TEN or if the Committee is not satisfied that the event will ensure the promotion of the Licensing Objectives the Licensing Authority will issue a counter-notice against the TEN and the event cannot go ahead.
- 10.9.8 **A Late TEN**
- 10.9.8.1 Must be given no more than 9 days and no less than 5 working days before the first day of the event.
- 10.9.8.2 A maximum of 10 late TENs can be submitted per year by a Personal Licence holder, and 2 per year for other people. Late TENs also count towards the total maximum number of TENs permitted during a calendar year. Where either of these limits have been exceeded, a rejection letter will be issued.

- 10.9.8.3 The Police and/or the Environmental Health function at the Council are empowered to make representations in relation to a late TEN within 3 working days of their receipt of the TEN. A representation can be made on the grounds of any Licensing Objective. Where a representation is made, the Licensing Authority will issue a counter notice against the TEN.
- 10.10 **Designated Premises Supervisors (DPS)**
- 10.10.1 Under the Act, all licences that authorise the sale of alcohol must contain details of the DPS.
- 10.10.2 The DPS is the key person who will usually be charged with the day-to-day management of the premises by the Premises Licence holder.
- 10.10.3 The Licensing Authority will not normally impose conditions on a Premises Licence relating to the management competency of the DPS unless poor management competency could give rise to issues relating to the Licensing Objectives and it is considered appropriate to do so in the circumstances.
- 10.10.4 All applications to appoint a person as the DPS must be made on the prescribed forms and be accompanied by a form of consent signed by that person.
- 10.10.5 Applicants for new licences that authorise the sale of alcohol are required to specify the individual who they wish to be the DPS which will be included on the premises licence.
- 10.10.6 Responsible authorities are encouraged to develop constructive working relationships with DPS with a view to developing effective partnerships with the licensed trade. The Licensing Authority expects licence holders to engage with responsible authorities in order to facilitate the promotion of the Licensing Objectives.
- 10.10.7 In exceptional circumstances, the Police may object to the appointment of an individual as a DPS where they believe that the appointment would undermine the

prevention of crime and disorder objective. The Police can also seek a review of a Premises Licence at any stage after the appointment of a DPS on any grounds relating to the licencing objectives if problems arise relating to the performance of the DPS. In both cases this would be by way of a Licensing, Environment and Safety Sub-Committee hearing.

## 11. Conditions

- 11.1 The Act covers a wide variety of premises that require licences, including cinemas, concert halls, theatres, nightclubs, pubs, cafes, restaurants and fast food outlets. Each of these types of premises present a mixture of risks, with many common to most premises and others unique to a particular operation. It is essential that a premises safeguards users against these risks as far as is practicable. This can be done by way of attaching conditions to a licence or certificate.
- 11.2 The Licensing Authority recognises that any breaches of conditions of licence automatically become criminal offences under section 136 of the Act, and could lead to imprisonment and/or a fine for non-compliance. The penalties reflect the seriousness of such breaches in relation to the Licensing Objectives and risk to the public. Therefore particular care must be taken in the wording of conditions, both when volunteered by the applicant and when imposed by the Licensing Authority.
- 11.3 The Licensing Authority will operate from a pool of conditions based on this Policy and the Secretary of State's Guidance. Not all conditions will be relevant to all premises, but will enable some clarity and consistency to be developed on conditions. The pool is not and must not be taken as a checklist of appropriate conditions and may be varied from time to time.
- 11.4 If an applicant can demonstrate that any of these conditions are not relevant and there are no relevant representations received, the licence will be granted without those conditions being attached. The applicant may also put forward their own conditions for

consideration by the Licensing Authority providing the Licensing Objectives are fully met. The Licensing Authority will be fair and vigilant in considering all applications.

- 11.5 The Licensing Authority may also impose other conditions which are consistent with meeting the Licensing Objectives. Conditions to be imposed on licenses will be specific to the individual premises and events.
- 11.6 The Licensing Authority may reinstate or impose conditions relating to live 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 appropriate.
- 11.7 While the Licensing Authority will seek to ensure the promotion of the Licensing Objectives by licensed premises in Stockport, it is recognised that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licence holder.

## **12. Licensable Hours**

- 12.1 The Licensing Authority will consider appropriate hours of licensing on the merits of each individual application.
- 12.2 In order to minimise risks of disturbance to residents, when dealing with new and variation applications, the Licensing Authority encourages applicants to consider the following terminal closing times, particularly in residential areas:
- Public Houses, restaurants, cafés and Bars:
    - 11pm - Sunday to Thursday
    - Midnight - Friday and Saturday
  - Nightclubs:
    - 1am - Sunday to Thursday
    - 2am – Friday and Saturday

- Off Licences
  - 11pm – Monday to Sundays
- Hot food and drink supplied by takeaways, fast food premises
  - Midnight - Sunday to Thursdays
  - 1am - Friday and Saturday

12.3 The above hours are intended to guide applicants when preparing their Operating Schedules. The above hours are not pre-determined and each application will be considered on its merit.

12.4 Applicants who wish to provide licensable activities outside the hours specified above should ensure that the operating schedule specifies detailed measures to address the Licensing Objectives as detailed in Section 13 of this policy.

12.5 The Licensing Authority is keen to promote a safe, thriving and diverse night time economy in Stockport and should licensable hours compromise any of the Licensing Objectives then responsible authorities or interested parties are entitled to submit a representation in relation to an application or lodge a review application for an existing licensed premises.

12.6 Where relevant representations are received, limitations on the licensable hours may be imposed, e.g. where a premises is known to be a focus of disorder and disturbance late at night.

12.7 Reduced licensable hours may be necessary for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving during late night / early morning hours.

- 12.8 This policy acknowledges that Central Government have introduced a discretionary power that enables Local Authorities to introduce ‘Early Morning Restriction Orders’ (EMRO).

## 13. Addressing the Licensing Objectives

- 13.1 This Section outlines the main areas that should be considered by the applicant, Licensing Authority, responsible authorities and interested parties, in relation to the Licensing Objectives.

### 13.2 **The Prevention of Crime and Disorder**

- 13.2.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 and any conditions attached to licences will take into account any local crime prevention strategy such as the Safer Stockport Partnership Plan.

- 13.2.2 When addressing crime and disorder the applicant should firstly identify any particular issues that are likely to impact the promotion of the crime and disorder objective. The applicant should have regard to the particular type of premises and/or activities to be carried out. The applicant should use the Operating Schedule to outline the issues and the steps they will take to address them.

- 13.2.3 The Licensing Authority will consider whether the premises makes, or will make a detrimental contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment of the likelihood of crime and disorder occurring as a result of the application.

- 13.2.4 In order to meet its duty to prevent and reduce crime, the Licensing Authority will consider the location of the premises and the impact, operation and management of the licensable activities.

- 13.2.5 Dependent upon the risks of crime and disorder at certain premises and where existing legislation does not provide adequately for the reduction of crime and disorder, consideration may also be given to conditions that deal with:

- Crime prevention design, including adequate lighting and fittings of the premises, appropriate ratio of table to chairs to customers and for areas to be allocated to seated customers, a prescribed capacity and supervision of car parks so as to minimise conflict and opportunities for crime and disorder;
- A requirement for SIA door supervisors to control numbers and deny entry to individuals who appear drunk, disorderly or intent on crime together with the maintenance of an incident book, including arrangements for screening for weapons and drugs;
- Other measures to control violent, drunken or abusive behaviour, including exclusion of badly behaved individuals, refusal to serve anyone who is drunk or appears to be drunk, or underage, use of toughened or plastic glasses;
- The removal of drinking vessels and bottles from the premises;
- Clear policies and measures to prevent illegal drugs being brought into and used on the premises;
- Prostitution or indecency;
- Restrictions on drinking in areas within and outside the premises;
- Discouraging the handling and distribution of stolen, counterfeit, non-duty paid or other illegal goods;
- Membership of pubwatch or similar;
- The installation and use of CCTV;
- Procedures for checking the ages of young people who appear to be under the age of 25 to ensure alcohol is not sold to those under 18 as part of the 'Challenge 25' strategy;
- Appropriate 'early warning' communication systems with the Police and other licensed premises;
- Searching of customers and staff; and
- A zero-tolerance approach to the sale of new psychoactive substances or 'legal highs'.

- 13.2.6 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and outside licensed premises. Conditions will not just consider a camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and to make recordings available to the Licensing Authority and Police on request.
- 13.2.7 Consideration should be given to a condition preventing the use of glass containers to serve alcohol or the taking of alcoholic and other drinks from the premises in open containers, e.g. glasses and open bottles. This may be appropriate to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises. It may also be appropriate to ensure a licensed premises has a regular glass collection service in certain types of venue and to keep control of waste bottle/glass receptacles.
- 13.2.8 It may be appropriate for certain signage to be displayed on or immediately outside the premises in relation to the licensable hours, conditions, prevalence of crime which may affect customers and restrictions on the admission of children so that the consequences of breaches are clear to customers.
- 13.2.9 The use of door supervisors should be considered for the purpose of promoting the reduction of crime and disorder and to generally provide a safer operation of the premises. Where the use of door supervisors is to be a condition of licence, they must be registered with the Security Industry Authority (SIA), or if superseded, its successor. These conditions may also need to include reference to the numbers of door supervisors required, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises and whether at least one female supervisor should be available, e.g. if female customers are to be the subject of body searches.
- 13.2.10 The Licensing Authority may impose conditions relating to drugs for certain types of venue following the receipt of relevant representations to seek to prevent the sale and consumption of drugs and to create a safer environment for those who may have



taken them. Where conditions are to be imposed, advice will be sought from the Police. Any conditions relating to clubs will take into account the Safer Clubbing guidelines issued by the Home Office and annexes J and K of the guidance issued under section 182 of the Act.

- 13.2.11 The Police are empowered to close a licence premises where there is production, supply or use of Class A drugs and/or serious nuisance or crime and disorder under the Anti-Social Behaviour Act 2003.
- 13.2.12 The Licensing Authority will carefully consider Police representations and other conditions relating to the deterrence and prevention of crime and disorder. Performance Improvement Plans will be drawn up in liaison with the police and licence holders to deal with any premises where concerns may arise.
- 13.2.13 The Licensing Authority acknowledges that only a small minority of customers are likely to behave in a way that undermines the Licensing Objectives and this policy should be viewed as part of a framework of measures that can be used to tackle anti-social behaviour in areas where licensed premises are situated.
- 13.3 **Public Safety**
- 13.3.1 The Licensing Authority aims to promote high standards of public safety in relation to licensed premises and activities under the Act.
- 13.3.2 The Licensing Authority recognises that the public safety objective is concerned with the physical safety of the customers using the premises and not with Public Health, which is dealt with by other legislation. Where the Local Authority Director of Public Health submits a relevant representation the relevant Licensing Objective is likely to be public safety. This may include where a premises has undermined the objectives in relation to accidents and injury and other harms that may be caused by alcohol consumption. These issues may also impact on the prevention of crime and disorder objective and/or the protection of children from harm objective.

- 13.3.3 When addressing public safety the applicant should initially identify any particular issues which are likely to adversely affect the promotion of the Licensing Objective relating to public safety having regard to the particular type of premises and/or activities proposed. Such steps as are required to deal with the issues should be included in the Operating Schedule.
- 13.3.4 Fire precautions and means of escape from licensed premises are particularly important and the Licensing Authority will have due regard to any representations from the Local Fire and Rescue Authority. Large numbers of people, some who may be under the influence of alcohol must be safely contained, managed and if necessary, evacuated from the premises. The attachment of conditions will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, and associated regulations.
- 13.3.5 Following a relevant representation, where the Licensing Authority considers that general health and safety duties or the Operating Schedule do not adequately cover the licensable activities specified in the application, conditions may need to be attached to the licence to ensure public safety.
- 13.3.6 The Licensing Authority recognises that special issues may arise in connection with outdoor and large scale events and the applicant should address any relevant issues in the Operating Schedule.
- 13.3.7 Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being proposed, the location of the premises and the anticipated users of the premises.
- 13.3.8 Fire safety guides are available at [www.manchesterfire.gov.uk](http://www.manchesterfire.gov.uk).
- 13.3.9 Health and Safety advice is available from the Health and Safety Executive at [www.hse.gov.uk](http://www.hse.gov.uk).

13.3.10 In certain premises where existing legislation does not provide adequately for the safety of staff, the public and associated living accommodation, consideration should also be given to conditions that ensure following:

- Sufficient fire safety arrangements are in place to detect and warn occupants and all other relevant persons;
- Adequate fire separation and means of escape is provided between different premises in the same building;
- Adequate arrangements are in place to enable the safe evacuation of disabled persons in the event of an emergency; and
- Adequate information is available to disabled persons on the premises in relation to the means of evacuation.

13.3.11 The Licensing Authority will only include an occupant capacity condition on a licence or certificate where there is a genuine fear or problem with overcrowding and it is considered appropriate for public safety. This will be determined in consultation with the local Fire and Rescue Authority. If the figure is fixed in accordance with any risk assessment required by legislation then that figure will be used.

#### 13.4. **The Prevention of Public Nuisance**

13.4.1 When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the public nuisance objective. This is having regard to the particular type of premises and/or activities. Such steps as are required to deal with these issues should be included within the Operating Schedule.

13.4.2 If relevant representations are received, the Licensing Authority may impose conditions to prevent nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations, and accumulations of rubbish and litter.

13.4.3 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any relevant representations, will take into account the type of entertainment activity proposed, hours of operation, the capacity of

the premises, the character of the area and the proximity to local residents.

Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will apply particularly in areas where there is residential accommodation in the proximity of the premises.

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

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, the installation of soundproofing or to use noise limiters on amplification equipment used at the premises;
- Minimise and control any noise from customers arriving and departing from the premises such as prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- The use of explosives, pyrotechnics and fireworks which could cause disturbance in surrounding areas are restricted. This might also include that this type of equipment is not managed by any persons who have consumed alcohol and that adequate safety precautions are in place;
- That refuse is disposed of outside of the premises at times that will minimise the disturbance to nearby properties;
- Noxious smells from the premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented;
- Bright or flashing lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition will be balanced against the benefit to the prevention of crime and disorder in relation to the positioning of lighting in certain places;
- Restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises;

- The prevention of littering in the vicinity, particularly from late night take-aways including measures planned to remove any litter that occurs; and
- Any queuing to enter the premises is diverted away from residential properties and entrances to neighbouring premises and that any queues are managed to prevent disturbance and obstruction.

13.4.5 If the proposed Operating Schedule fails to address any noise nuisance issues, the Environmental Health function may request that an independent acoustic report is conducted from which they may use any recommendation to propose amendments to the Operating Schedule or suggest conditions for consideration at any hearing.

13.4.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

### 13.5 **The Protection of Children from Harm**

13.5.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to adult themes and strong language.

13.5.2 The Licensing Authority recognises that there are many types of premises and circumstances where it is appropriate for children to be present on licensed premises. It seeks to encourage this where appropriate to support the social and economic advantages that a diverse licensed industry can provide. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children in order to promote the protection of children from harm Licensing Objective.

13.5.3 When addressing the protection of children from harm, the applicant should identify any particular issues which are likely to cause concern in relation to children, having regard to the particular type of premises or licensable activities. The applicant should outline the steps required to deal with these issues which should be included in the Operating Schedule.

- 13.5.4 The Licensing Authority will not impose conditions which restrict or prevent access by children unless this is appropriate to promote the Licensing Objectives.
- 13.5.5 In determining a specified cut-off time or whether access by children should be prevented, the Licensing Authority will take into account any concerns of responsible authorities or other persons who have made representations. The Licensing Authority will also take into account the steps set out by the applicant in the Operating Schedule which will be taken to protect children from harm and the type of event for which age restrictions may be appropriate.
- 13.5.6 Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded, in particular where:
- There have been convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangement to deter underage drinking. This includes any action taken regarding test purchases in relation to the supply of alcohol;
  - There is a known association with, or inadequate arrangements to deter drug taking or dealing;
  - There is a strong element of gambling on the premises;
  - Entertainment of an adult or sexual nature is provided;
  - There are inadequate arrangements to protect children from the supply and use of other products which it is illegal to supply to children; and/or
  - The Licensing Authority deems there to be inadequate controls on the times during which children may be present on the premises.
- 13.5.7 Matters which the Licensing Authority will take into consideration include:
- Whether there are effective measures to check the age of those young people who appear to be under the age of 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises;

- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose;
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises;
- The likelihood of children being attracted to the premises by the nature of activities or facilities provided, whether or not these are licensed; and/or
- Whether there is evidence heavy, binge or underage drinking on the premises.

13.5.8 Where the Licensing Authority has concerns about the protection of children from harm on the premises, options will include:

- Limitations on the hours when children may be present;
- Age limitations below 18;
- Limitations or exclusions when certain activities are taking place;
- Access limited to parts of the premises;
- Requirements for accompanying adults; and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

13.5.9 In respect of all licensed premises where alcohol is usually supplied for consumption on the premises and in light of any relevant representations being received, very careful consideration will be given by the Licensing Authority before permitting children under 16 years, who are unaccompanied by an adult, to be or remain on the premises after 9pm, even when no supplies of alcohol are taking place, such as an under 18 disco. This is an upper limit and does not imply that this limit will be permitted for all relevant applications. In any event each case will be dealt with on its own merits.

13.5.10 Where large numbers of children are likely to be present on any licensed premises, such as a children's show or pantomime, the Licensing Authority may require the presence of an appropriate number of adult staff who have provided a satisfactory criminal history check (DBS), to ensure their safety and protection from harm. The

exact ratio will be assessed in respect of each individual application and is dependent on the type and size of the premises and the control measures in place as outlined within the Operating Schedule, and the particular group of children likely to visit the premises.

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

- The prevention of the unlawful supply, consumption and use of alcohol and drugs and any other products that it is illegal to supply to children;
- Restrictions on access to the premises by children to the whole or any part of the premises, including times when children may not be present;
- The hours of day during which age restrictions should and should not apply;
- The type of event or activity in respect of which no age restrictions may be needed;
- Types of events or activities which give rise to a greater need for age restrictions than normal, such as adult entertainment or drinks promotions events;
- The production of an authenticated proof of age before a sale is made and a Challenge 25 policy. This will not be limited to PASS accredited proof of age schemes but also photo-driving licences and passports;
- The adequate training of staff in relation to ensuring there are no underage sales of alcohol;
- The satisfactory recording of staff training in relation to the conditions of licence; and
- A zero tolerance approach to the sale of new psychoactive substances or 'legal highs'.

13.5.12 Evidence of proof of age is relevant to both the prevention of crime and disorder and protection of children from harm objectives. The Licensing Authority expects a Challenge 25 policy to be in place for all premises that supply alcohol.



13.5.13 Where the exhibition of films is permitted, the Licensing Authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications (BBFC) recommendations. Where a film has not been classified by the BBFC the Licensing Authority will consider whether it is appropriate to provide a local classification. When setting a local classification the Licensing Authority will have regard to the BBFC's guidelines. In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions have not been adhered to.

### 13.6 **Selling Alcohol Responsibly**

13.6.1 Schedule 4 to the Policing and Crime Act 2009 and the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 gives the mandatory conditions relating to drinks promotions. The Home Office has issued guidance on these conditions which are available to view on their website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). Any applicant who intends to carry out drinks promotions should have regard for this guidance. However the Licensing Authority is aware of the risks of increased consumption and intoxication associated with alcohol promotions, particularly those involving low-priced drinks, and encourages licensees and managers of both on and off-licensed premises to avoid such activities.

13.6.2 When considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and an adverse impact on any of the Licensing Objectives, on or in the vicinity of the premises, it is appropriate for the Licensing Authority to consider whether further conditions are necessary prohibiting irresponsible sales promotions or discounting of prices of alcoholic drinks are necessary.

13.6.3 The Portman Group operates a Code of Practice regarding the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are over 18 years old. Complaints about products under the Code are considered by an Independent Complaints Panel and if the packaging or point of

sale advertising of the product is found to be in breach of the Code, the Portman Group may issue a 'Retailer Alert Bulletin' to notify retailers of the decision regarding future sales and advertising of the product.

- 13.6.4 Where appropriate and necessary, the Licensing Authority may consider attaching conditions to licences that require compliance with the Retailer Alert Bulletins from the Portman Group.
- 13.6.5 The Licensing Authority will not use the Licensing Policy to control prices or hinder free and fair competition in the licensed industry.
- 13.6.6 The Licensing Authority considers it reasonable to expect those who hold licences and persons involved in the sale of alcohol to be able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and to be able to read and write in English so as to be able to understand the licence and to be able to complete necessary documents such as refusals books and training records.
- 13.6.7 Where relevant representations are made, and a lack of understanding of basic written and/or spoken English contributes to the issues raised, the Licensing Authority may consider, where appropriate, conditions that require the applicant to and associated staff to attend a 'Basic Skills' course at a cost to the applicant.
- 13.6.8 It is important for applicants to note the mandatory condition prohibiting the sale of alcohol below the cost of duty plus VAT. Guidance on this mandatory condition can be found on the [www.gov.uk](http://www.gov.uk) website.
- 13.7 **Alcohol in Public Places**
- 13.7.1 The Local Authority has adopted powers to designate part of its area as places where alcohol may not be consumed in public.
- 13.7.2 In considering applications and reviews, the Licensing Authority will have regard to the impact of licensed premises on the observance of the designated area controls. This

is likely to be particularly relevant to sales of alcohol in open containers for consumption off the premises and unauthorised removal of alcohol in open containers, which have been supplied for consumption on the premises.

### 13.8 **Alcohol Delivery Services**

- 13.8.1 The Licensing Authority considers that there are particular risks associated with delivery services for alcohol and expects measures consistent with those outlined in this policy to be included in the Operating Schedule.
- 13.8.2 The Licensing Authority expects applicants to implement age verification procedures at both the point of sale and delivery stages with a Challenge 25 policy to be implemented at the point of delivery.
- 13.8.3 Licence holders must ensure that delivery staff have received appropriate training in procedures relating to requesting and identifying proof of age and implement these procedures as standard. Measures should be taken to ensure that customers are made aware that receipt of orders that contain alcohol must be by an adult.
- 13.8.4 Any promotional material including the name of the business and website should be consistent with the responsible sale of alcohol.
- 13.8.5 Any website URL or telephone numbers are expected to be provided to the Licensing Authority.
- 13.8.6 Licence holders are expected to use their discretion to ensure that deliveries of alcohol are refused in situations experiencing alcohol related nuisance or disorder.
- 13.8.7 Where the applicant wishes to licence a delivery vehicle rather than a building then there are a number of considerations in relation to the safety of the persons in the vehicle that the Licensing Authority will expect the applicant to consider, such as:
- No cash sales;
  - Payment online or by card machine; and
  - The use of CCTV in the vehicle.

**13.9 Adult Entertainment**

- 13.9.1 The Police and Crime Act 2009 introduced new powers for Councils to control ‘Sexual Entertainment’ venues. Applicants wishing to provide adult entertainment should contact the Licensing Authority for further advice.
- 13.9.2 The Licensing Authority will have regard to the following additional matters in respect of applications of this nature, including entertainment of a sexual nature such as nudity, striptease and lap dancing.
- 13.9.3 The Licensing Authority will take into account the location of the premises in relation to their proximity to the following uses:
- Housing and residential accommodation;
  - Schools, play areas, nurseries, children’s centres and any educational establishments;
  - Family shopping and leisure areas;
  - Places of worship;
  - Historic buildings and tourist attractions; and
  - Other places where such entertainment takes place.
- 13.9.4 The Licensing Authority also expects licence holders to consider additional measures in their Operating Schedule when applying to provide adult entertainment if they are considered appropriate to the promotion of the Licensing Objectives:
- The exclusion of under-18s from the premises;
  - A code of conduct for customers;
  - A code of conduct for dancers and performers;
  - Documentary checks for dancers and performers, including proof of age, identity and proof of permission to work (where appropriate); and
  - How the entertainment will be advertised and promoted at the premises.

13.9.5 Where an Operating Schedule does not refer to 'adult entertainment' taking place on the premises, the Licensing Authority may place restrictions on the licence that would prevent it from taking place.

13.10 **Premises Licences for Large Scale Public Events**

13.10.1 The Licensing Authority considers that there are specific risks associated with the holding of large public events, such as concerts and festivals.

13.10.2 In considering applications for such events, the Licensing Authority will have particular regard to any previous history of the organiser as well as the level of detail of the event arrangements.

13.10.3 In addition to addressing the measures described in this policy, the organisers of such events are expected to address the following:

- Setting up a meeting for the event to include all relevant agencies and responsible authorities;
- Overall event safety control;
- Production details;
- Medical and first aid provision;
- Site management and the structural integrity of all temporary structures;
- Crowd management, stewarding and security;
- Fire safety and control;
- Configuration and control of sound systems;
- Management of any on-site and off-site car parking;
- Management of concessions and franchises;
- Provision and maintenance of water supplies;
- Welfare and provision of information;
- Provision and maintenance of sanitary facilities;
- Reception collection and removal of litter and other waste;
- Engaging with local residents and businesses; and
- Terrorism prevention plan.

13.10.4 Appropriate measures should also be considered to address issues outside the licensable area including:

- Plans to assist in minimising disruption to the day to day lives of local residents, businesses and existing operations for the duration of the event;
- A robust traffic and transport plan that takes into account the needs of the local community and minimises the impact of visitors to the area for the event, while maintaining a safe and convenient point of access and egress for attendees within the parameters of existing traffic, transport and parking provision;
- A strategy for the control of access to and egress from the licensed premises for the control of disorderly behaviour;
- Providing communication channels for the local community that will enable residents and businesses to access sufficient detailed information prior to the event; and
- Providing a hotline and information phone number for residents and local businesses for the duration of the event.

13.10.5 Licensees are expected to have regard to the Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events.

## **14. Cumulative Impact**

14.1 A Licensing Authority may adopt a cumulative impact policy where a concentration of licensed premises have led to exceptional problems arising in the area and even some distance away from the premises, which have resulted in a negative impact on the Licensing Objectives. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from an individual premises. It therefore may not be possible to distinguish individual premises as being the sole cause or even a major contributing factor of a particular problem. In some circumstances it is the cumulative impact of all the premises which can cause a problem for the wider area.

- 14.2 The Licensing Authority recognises that cumulative impact policies can restrict the expansion of supply in certain areas and can also result in the removal of improvement pressures from competition on poorly performing businesses. These factors will be considered in the development of any cumulative impact policy and subsequent committee hearings.
- 14.3 Where the Licensing Authority is presented with evidence that exceptional problems have arisen from a concentration of licensed premises in a particular area in Stockport, they may consider the introduction of a cumulative impact policy at any time.
- 14.4 In order to introduce such a policy the Licensing Authority must be satisfied that the concentration of licensed premises has resulted in a negative impact on the Licensing Objectives. Once such a policy is in place, the Licensing Authority may refuse applications on this basis.
- 14.5 There are currently no cumulative impact policies in place for Stockport.

## **15. Late Night Levy**

- 15.1 The Police Reform and Social Responsibility Act 2011 introduced the power to enable the Licensing Authority to charge a levy to all premises within Stockport who are authorised to sell alcohol late at night.
- 15.2 The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in Stockport that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the cost of policing the night time economy.
- 15.3 The decision to introduce, vary or end the requirement for the levy must be made by the Full Council in conjunction with Greater Manchester Police. The Licensing Authority will consider the appropriateness of any levy as well as its design, prior to

any decision to consult on its implementation and must consult with the police, the licence holders that will be affected by the levy and the residents of Stockport.

15.4 The Licensing Authority recognises that any levy introduced would cover all premises within Stockport and not just those premises that are deemed to be causing problems. Therefore serious consideration will be given to the financial risk that will rest at a local level should there be a proposal to introduce such a levy at any time in the future.

15.5 There is currently no late night levy in Stockport and no current proposal to introduce it.

## **16. Early Morning Restriction Orders**

16.1 The Police Reform and Social Responsibility Act 2011 also introduced Early Morning Restriction Orders (EMRO) which are a power enabling the Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of midnight and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

16.2 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

16.3 The Licensing Authority may consider whether an EMRO is appropriate once all other avenues to resolve problems associated with licensed premises and the promotion of the licensing objections have been exhausted. The EMRO can only be an appropriate step to promote the licensing objectives on the basis that it is reasonable, justified and proportionate in the circumstances.

16.4 There are currently no Early Morning Restriction Orders in Stockport however the Licensing Authority will consider the introduction of such orders in consultation with



responsible authorities, the licensed trade and wider community if evidence emerges that such powers would be appropriate for the promotion of the Licensing Objectives.

## **17. Suspension of Premises Licence for non-payment of Fees**

- 17.1 The Licensing Authority is required to suspend a Premises Licence or Club Premises Certificate if the annual fee has not been paid when it is due. Where a Premises Licence or Club Premises Certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension will be lifted immediately upon payment of the fee and the licensable activities can be resumed.
- 17.2 If an annual fee has not been paid by the due date, the licence holder will be notified accordingly by the Licensing Authority and given notice of the date the suspension will take effect.

## **18. Enforcement**

- 18.1 It is vital that licensed premises comply with the terms of their licence and other requirements of the Act. It is equally important that premises operating without the appropriate authorisation are prevented from doing so.
- 18.2 The Licensing Authority will work closely with the responsible authorities in order to most effectively address licensing related matters.
- 18.3 The Licensing Authority will undertake inspections, including joint inspections of premises and enter into other partnership working arrangements with the Police, Fire Authority and other agencies to support the Licensing Objectives.
- 18.4 The Licensing Authority takes a risk-based and proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises on the Licensing Objectives. Therefore higher-risk and problem premises will be targeted for

enforcement activity with a lighter-touch approach to those premises that are considered to be low-risk and well managed.

- 18.5 Where possible, the Licensing Authority would expect responsible authorities to work closely with any licence holder in order to successfully resolve issues before formal action is considered, depending on the seriousness of the problems encountered.
- 18.6 The Licensing Authority will work with the licensed trade through the provision of advice, information and education in order to achieve compliance.
- 18.7 Where licence holders do not take the opportunity to work with the Licensing Authority and responsible authorities and the premises is having a negative impact on the Licensing Objectives, this will normally result in formal action being taken such as a review of licence or prosecution for breaches of licence where appropriate.
- 18.8 The principles of enforcement for the Licensing Authority focus on:
- Taking firm action against those who flout the law or act irresponsibly;
  - Assisting and educating businesses and others to meet their legal obligations;  
and
  - Promptly acting on issues of concern.