

Public Document Pack



TRAFFORD COUNCIL

Tuesday, 3 November 2015

Trafford Town Hall
Talbot Road
Stretford
M32 0TH

Dear Councillor,

Your attendance is requested at a meeting of the Council of the Borough of Trafford on **WEDNESDAY, 11 NOVEMBER 2015**, at **7.00 P.M.** in the **COUNCIL CHAMBER, TRAFFORD TOWN HALL, TALBOT ROAD, STRETFORD**, for the transaction of the business set out below:

- | | Pages |
|--|--------------|
| 1. Minutes | |
| To approve as a correct record the Minutes of the Meeting of the Council held on 16 September 2015 for signature by the Mayor as Chairman. | 1 - 12 |
| 2. Announcements | |
| To receive any announcements from the Mayor, Leader of the Council, Members of the Executive, Chairmen of Scrutiny Committees and the Head of Paid Service. | |
| 3. Questions By Members | |
| This is an opportunity for Members of Council to ask the Mayor, Members of the Executive or the Chairman of any Committee or Sub-Committee a question on notice under Procedure Rule 10.2. | |
| 4. Delegation to China | |
| To receive an oral report of the Leader of the Council. | |
| 5. Composition of Political Groups | |
| To note a report of the Director of Legal and Democratic Services. | 13 - 16 |

6. **Scrutiny Committee Membership - Appointment of Parent Governor Representatives as Co-Opted Members**
- To consider a joint report of the Chairman of Scrutiny Committee and the Director of Legal and Democratic Services. 17 - 22
7. **Licensing Act 2003 - Statement of Licensing Policy 2016-2021**
- To consider a report of the Corporate Director Economic Growth, Environment and Infrastructure. 23 - 112
8. **Gambling Act 2005 - Statement of Gambling Policy Statement 2016-2019**
- To consider a report of the Corporate Director Economic Growth, Environment and Infrastructure. 113 - 152
9. **Year End Corporate Report on Health and Safety - 1 April 2014 to 31 March 2015**
- To note a report of the Executive Member for Transformation and Resources. 153 - 168
10. **Motions**
- To consider the following motions submitted in accordance with Procedure Rule 11:
- (a) **Motion Submitted by the Conservative Group - Education**
- This Council welcomes the Conservative Government's recent decision to allow a new Grammar School site in Sevenoaks in Kent, reflecting the desire of local parents for increased provision.
- Thanks to our school system and the efforts of pupils, teachers, parents and governors, Trafford not only produces some of the best education results in the country but also provides increased social mobility within our communities. Our selective system provides all children in the Borough with the best possible start in life and the ability to achieve their potential.
- In light of the Government's decision, this Council:
- i. reaffirms its support for Trafford's selective education system and for our Grammar and High schools, which provide a world class education for all Trafford children, irrespective of their background or parental wealth; and
 - ii. condemns the recent comments of the Shadow Secretary of State for Education, Lucy Powell MP, opposing selection and stating that "the Government will be actively encouraging inequality in our education system".

(b) Motion Submitted by the Labour Group - Voter Registration and Transition to Individual Electoral Registration

Council welcomes:

- The Electoral Commission's warning that there is "a risk that a considerable number of eligible voters could be removed from the registers before the significant set of polls scheduled for May 2016 if the transition to IER is brought forward."
- The Electoral Commission's recommendation that the end of these transitional arrangements before IER is fully implemented "should remain December 2016 as stated in law and should not be brought forward to December 2015".

Council resolves:

To take every possible step to ensure that as many local residents as possible are registered to vote including, but not limited to, the following:

- Fully analysing the last annual household canvass and comparing the results on a ward by ward basis to the previous year's canvass.
- Maintaining a database of electors who have confirmed their electoral registration details via the "No Change" method and using this database to ensure people who have been previously registered but haven't been re-registered are contacted.
- Using all available council-held databases to ensure that as many electors as possible are data-matched for electoral registration purposes.
- Using all available methods of communication to explain the transition to IER to local residents.
- Prompting local residents with electoral registration reminders at other points of contact with the council, such as when residents apply for Housing Benefit, Council Tax Benefit and other council services.
- Liaising with local private sector landlords to ensure electoral registration information is included in tenancy packs and other communications they have with their tenants.
- Having council officers attend citizenship ceremonies and local schools and colleges to encourage newly eligible electors to register to vote at the earliest opportunity.

(c) Motion Submitted by the Labour Group - Trade Union Bill

That this Council recognises the positive contribution that trade unions and trade union members make in our workplaces. This Council values the constructive relationship that we have with our trade unions and we recognise their commitment, and the commitment of all our staff, to the delivery of good quality public services.

This Council notes with concern the Trade Union Bill which is currently being proposed by the Government and which would affect this Council's relationship with our trade unions and our workforce as a whole. This Council rejects this Bill's attack on local democracy and the attack on our right to manage our own affairs.

This Council is clear that facility time, negotiated and agreed by us and our trade unions to suit our own specific needs, has a valuable role to play in the creation of good quality and responsive local services. Facility time should not be determined or controlled by Government in London.

This Council is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through our payroll. We see this as an important part of our positive industrial relations and a cheap and easy to administer system that supports our staff. This system is an administrative matter for the Council and should not be interfered with by the UK Government.

This Council resolves to support the campaign against the unnecessary, anti-democratic and bureaucratic Trade Union Bill.

This Council further resolves to seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off.

(d) Motion Submitted by the Labour Group - Fair Deal for Devo Campaign

This Council notes the campaign 'Fair Deal for Devo' launched by a partnership of local newspaper organisations.

Council supports the Fair Deal for Devo campaign in calling for the funding necessary to be certain of making devolution a success in Greater Manchester.

In particular, Council notes and endorses the call from the Fair Deal for Devo campaign for fair police and local authority funding, and the resources necessary to manage health and social care at a local level.

(e) Motion Submitted by the Conservative Group - Business Rates

The Council welcomes the announcement by the Chancellor of the Exchequer at the Conservative party conference that business rates will be retained locally, and is committed to working with the Local Government Association, the Greater Manchester Combined Authority and the Department for Communities and Local Government to represent its interests as the scheme detail is devised.

In particular, this announcement:

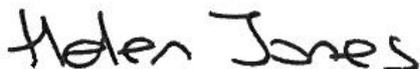
- will remove reliance on the government revenue support grant
- will allow local authorities to retain upside of growth in business rates
- provides local authorities with incentives to attract new business and seek inward investment
- will benefit local authorities like Trafford that support local employers and job creation
- removes uncertainty in the annual settlement process for local government

Trafford is the most competitive place for business in the North West with unrivalled assets such as great transport infrastructure and good superfast broadband coverage, a highly skilled population, a dedicated inward investment team and excellent education attainment.

Under the Conservative administration, Trafford has fostered an environment that is business friendly, helping to enhance local communities across the Borough.

The Council reaffirms its commitment to be a pro-growth, open for business authority with the political resolve to support the view that the Borough is 'First for Business'.

Yours sincerely,



PP

THERESA GRANT
Chief Executive

Council - Wednesday, 11 November 2015

Membership of the Council

Councillors J. Holden (Mayor), J. Lloyd (Deputy Mayor), D. Acton, S. Adshead, S.B. Anstee, S.K. Anstee, Dr. K. Barclay, J. Baugh, J. Bennett, Miss L. Blackburn, R. Bowker, C. Boyes, Mrs. A. Bruer-Morris, Mrs. J.E. Brophy, B. Brotherton, D. Bunting, D. Butt, C. Candish, K. Carter, M. Cawdrey, R. Chilton, M. Cordingley, M. Cornes, J. Coupe, L. Dagnall, Mrs. P. Dixon, A. Duffield, Mrs. L. Evans, N. Evans, T. Fishwick, M. Freeman, P. Gratrix, J. Harding, D. Hopps, M. Hyman, C. Hynes, D. Jarman, P. Lally, J. Lamb, E. Malik, A. Mitchell, P. Myers, D. O'Sullivan, I. Platt, K. Procter, J.R. Reilly, Mrs J. Reilly, B. Rigby, T. Ross, M. Sephton, B. Sharp, B. Shaw, J. Smith, E.W. Stennett, S. Taylor, L. Walsh, Mrs. V. Ward, A. Western, D. Western, M. Whetton, A. Williams, M. Young and Mrs. P. Young

Further Information

For help, advice and information about this meeting please contact:

Ian Cockill, Democratic Services Officer

Tel: 0161 912 1387

Email: ian.cockill@trafford.gov.uk

This Summons was issued on **Tuesday, 3 November 2015** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH

Any person wishing to photograph, film or audio-record a public meeting is requested to inform Democratic Services in order that necessary arrangements can be made for the meeting.

Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any queries.

TRAFFORD BOROUGH COUNCIL

16 SEPTEMBER 2015

PRESENT

The Worshipful the Mayor (Councillor John Holden), in the Chair.

J. Lloyd	M. Cornes	I. Platt
D. Acton	J. Coupe	K. Procter
S. Adshead	L. Dagnall	J.R. Reilly
S.B. Anstee	Mrs. P. Dixon	B. Rigby
S.K. Anstee	A. Duffield	T. Ross
Dr. K. Barclay	Mrs. L. Evans	M. Sephton
J. Bennett	N. Evans	B. Sharp
Miss L. Blackburn	M. Freeman	B. Shaw
R. Bowker	P. Gratrix	J. Smith
C. Boyes	J. Harding	E.W. Stennett
Mrs. A. Bruer-Morris	D. Hopps	S. Taylor
Mrs. J.E. Brophy	M. Hyman	L. Walsh
B. Brotherton	C. Hynes	Mrs. V. Ward
D. Bunting	D. Jarman	A. Western
D. Butt	P. Lally	D. Western
C. Candish	J. Lamb	M. Whetton
K. Carter	E. Malik	A. Williams
M. Cawdrey	A. Mitchell	M. Young
R. Chilton	P. Myers	Mrs. P. Young
M. Cordingley	D. O'Sullivan	

In attendance

Chief Executive	Ms. T. Grant
Deputy Chief Executive and Corporate Director Economic Growth, Environment and Infrastructure	Mrs. H. Jones
Acting Corporate Director, Children, Families and Wellbeing	Mr. J. Pearce
Acting Corporate Director Transformation and Resources	Ms. J. Hyde
Director of Finance	Mr. I. Duncan
Director of Legal and Democratic Services	Ms. J. Le Fevre
Democratic and Performance Services Manager	Mr. P. Forrester
Public Relations Manager	Mrs. K. Dooley
Senior Democratic and Scrutiny Officer	Mr. I. Cockill

APOLOGIES

Apologies for absence were received from Councillors J. Baugh, T. Fishwick and Mrs J. Reilly.

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34. MINUTES

That the Minutes of the Meeting of the Council held on 15 July 2015, be approved as a correct record and signed by the Chairman.

35. ANNOUNCEMENTS

(a) Her Majesty the Queen – Longest Reigning British Monarch

The Council joined with the Mayor in congratulating Her Majesty the Queen on becoming the country's longest-reigning monarch after surpassing the reign of Queen Victoria on 9 September 2015.

(b) Kier Hardie

The Mayor acknowledged that Saturday 26 September 2015 would mark the centenary of the death of James Keir Hardie, a historically influential figure who had changed the political landscape of Britain.

(c) Former Councillor Mrs. Rita Barber

It was with sadness that the Mayor referred to the death on 29 July 2015 of Rita Post, known to the Council as Councillor Mrs. Rita Barber when serving as a Conservative Member for the Brookland's Ward from 1984 to 1998.

The Council stood in silence as a mark of respect to a former colleague and friend.

(d) Lancashire County Cricket Club – NatWest T20 Blast

The Mayor was pleased to congratulate the Lancashire Lightning cricket team on being crowned NatWest T20 Blast champions for the first time in their history after beating Northamptonshire Steelbacks by 13 runs in the final at Edgbaston. The Council joined in congratulating the club on its first one-day title since 1999.

(e) Scrutiny Committee Update

Councillor Coupe, Chairman of Scrutiny Committee provided the Council with an update on the work of the Committee advising on matters to be considered at the next meeting on 1 October 2015; a meetings date switch so that Scrutiny Committee was now on 16 March 2016 and Health Scrutiny on 30 March 2016; work to appoint to the vacant Parent Governor Representative positions; laying the foundations for Joint Scrutiny with other authorities for the benefit of Trafford; and the reactivation of the social media Twitter account to promote the profile of Scrutiny amongst the public.

(f) Health Scrutiny Committee Update

Councillor Lloyd, Chairman of Health Scrutiny Committee outlined the areas of work that the Committee had been focusing on specifically reconfiguration of Child and Adolescent Mental Health Services (CAMHS); the urgent Health Scrutiny

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Committee Meeting on 12 August 2015; the closure one of the four Group Practices based at Timperley Health Centre to work closely with Trafford Clinical Commissioning Group and Ward Councillors regarding caretaking arrangements and the redistribution of patients; and the allocation of Task and Finish Groups for 2 areas of concern - Delayed Discharges and Stroke Rehabilitation.

Regarding the urgent Health Scrutiny Committee Meeting on 12 August 2015 with all parties concerning the decision to designate Stepping Hill Hospital as a lead of one of the four single shared services, Councillor Lloyd reported that the Committee received assurances regarding the continued professional and financial stability of Wythenshawe Hospital and the level of treatment provided to Trafford residents. Since the meeting the Committee had written to the Greater Manchester Health Scrutiny Committee detailing the assurances with a request that the impact Healthier Together has on the health services delivered to Trafford residents be monitored. The Chairman also indicated that the Joint Health Scrutiny Committee with Manchester City Council would continue to meet.

36. QUESTIONS BY MEMBERS

The Mayor reported that 2 questions had been received under Procedure Rule 10.2.

- (a) Councillor Mrs. Brophy asked the following question for which she had given notice:

“In times of austerity what is Trafford Council doing to protect the wildlife corridors and woodland areas in the borough?”

In response, Councillor John Reilly, Executive Member for Environment and Operations indicated that austerity had not had a direct impact on wildlife corridors and woodland areas in the borough and that they continued to be protected by existing policies and the Council’s work with partners including the Red Rose Forest Partnership and most recently Amey through the Trafford Countryside Management Partnership.

As a supplementary question, Councillor Brophy enquired whether the Executive Member was aware of a new Woodland Trust report ‘Trees not Turf’ suggesting it was more cost effective to plant trees for the long-term and asked for a meeting to discuss the matter. Councillor John Reilly revealed he was not aware of the report and confirming he was happy to meet with Councillor Brophy would also be grateful if she could provide a copy.

- (b) Councillor Malik asked the following question for which he had given notice:

“What is the criteria and basis for determining whether a child who is autistic, has learning difficulties and global developmental delay, should be provided Home to School Transport?”

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Councillor Hyman, Executive Member for Children's Services advised that since the matter was related to the questioner, he considered it more appropriate to provide a written response.

37. MOTION SUBMITTED BY THE CONSERVATIVE GROUP - FAIRER FUNDING FOR SCHOOLS

It was moved and seconded that:

"This Council recognises the hard work put in by teachers in our primary and secondary schools which underpin the provision of outstanding test and examination results achieved by our children, right across the ability range.

This is all the more remarkable when it is taken onto account that Trafford schools receive £318 per pupil less than the national average, and that Trafford has one of the highest per pupil Minimum Funding Guarantees in the country.

It cannot be right for children in one part of the country to be receiving less base funding per head than in other parts, and Council agrees that this unfairness renders the existing formula as flawed.

It is these reasons that the Council is a member of the F40 group which campaigns for fairer funding for schools. Council welcomes a statement made by the Prime Minister at Parliamentary Questions committing the Government to introducing a fairer funding formula for allocating cash to schools across England.

In consequence, this Council reiterates its support for the F40 campaign and requests that the Leader of the Council writes to the Secretary of State for Education to bring forward, more quickly, the Government's commitment, as stated in its manifesto, to ensuring fairer funding for schools."

Following speeches in support, the Motion was put to the vote and carried unanimously.

RESOLVED: That this Council recognises the hard work put in by teachers in our primary and secondary schools which underpin the provision of outstanding test and examination results achieved by our children, right across the ability range.

This is all the more remarkable when it is taken onto account that Trafford schools receive £318 per pupil less than the national average, and that Trafford has one of the highest per pupil Minimum Funding Guarantees in the country.

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In consequence, this Council reiterates its support for the F40 campaign and requests that the Leader of the Council writes to the Secretary of State for Education to bring forward, more quickly, the Government's commitment, as stated in its manifesto, to ensuring fairer funding for schools.

**38. MOTION SUBMITTED BY THE LABOUR GROUP - COST PRESSURES
FACING LOCAL AUTHORITIES**

It was moved and seconded that:

“This Council notes the content of the recent submission of the Conservative-controlled Local Government Association (LGA) to the Treasury entitled ‘Spending Smarter: A Shared Commitment’. This document raises concerns about the future sustainability of local authorities in light of additional costs expected to fall upon councils in the next few years. These costs – estimated by the LGA at £6.3 billion annually in addition to a £3.6 billion increase in business as usual costs – arise as a result of policy decisions such as cutting social housing rents by 1% a year, business rate revaluation and accompanying administrative burden, and the introduction of universal credit.

Regardless of personal views on the policies in question it is clear that these have enormous financial implications for local authorities and have not as yet been mitigated by the Treasury in order to ease the pressure on councils. In particular Council notes the words of Councillor Gary Porter, Conservative Chair of the LGA, commenting on the LGA's analysis and stating that: ‘Enormous pressure will be heaped on already stretched local services if the government fails to fully assess the impact of these unfunded cost burdens when making its spending decisions for the next five years. Vital services, such as caring for the elderly, protecting children, collecting bins, filling potholes and maintaining our parks and green spaces, will simply struggle to continue at current levels.’

Council is supportive of the LGA's findings and the views of Councillor Porter and therefore agrees to write to the Treasury expressing similar concerns and calling for a fairer and more substantial funding settlement – taking into account these additional cost pressures - ahead of the November Spending Review.”

It was moved and seconded as an amendment that:

“Council notes the content of the recent submission made by the Local Government Association to HM Treasury entitled ‘Spending Smarter: A Shared Commitment’.

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This document recognises that the forthcoming Comprehensive Spending Review rightly prioritises the radical devolution of power within England and outlines how local government can be part of the solution to streamlining public services, fostering economic growth and integrating health and social care, all while saving the public purse almost £2 billion a year by the end of the Parliament.

In particular, the report makes the following summary recommendations:

- Enable wider integration of social care and health services to deliver savings and improve outcomes.
- Implement a place-based budget approach for delivering all local services through a Local Public Services Fund, as part of at least five devolution deals.
- Promote growth and productivity by accepting the case for further local decision making and calls for devolution of, or local influence over, more than £60 billion of growth, skills and infrastructure funding.
- The transformation of the business rate mechanism and providing a four year local government finance settlement.
- Calls for an assessment of the unfunded cost burdens that core council budgets are going to face over the spending review period.

The Council is supportive of these recommendations and agrees to write to HM Treasury expressing this view, taken in the context of the Greater Manchester submission to the Spending Review, calling for a considered and smarter place based settlement as its desired outcome.”

Following a debate on the matter, the amendment was put to the vote and carried unanimously. Consequently, the substantive Motion was declared carried.

RESOLVED: That the Council notes the content of the recent submission made by the Local Government Association to HM Treasury entitled ‘Spending Smarter: A Shared Commitment’.

This document recognises that the forthcoming Comprehensive Spending Review rightly prioritises the radical devolution of power within England and outlines how local government can be part of the solution to streamlining public services, fostering economic growth and integrating health and social care, all while saving the public purse almost £2 billion a year by the end of the Parliament.

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- The transformation of the business rate mechanism and providing a four year local government finance settlement.
- Calls for an assessment of the unfunded cost burdens that core council budgets are going to face over the spending review period.

The Council is supportive of these recommendations and agrees to write to HM Treasury expressing this view, taken in the context of the Greater Manchester submission to the Spending Review, calling for a considered and smarter place based settlement as its desired outcome.

39. MOTION SUBMITTED BY THE LABOUR GROUP - REFUGEE CRISIS

It was moved and seconded that:

“This Council has been deeply disturbed by pictures emerging from the Mediterranean of the on-going refugee crisis and its impact on human life. In response to these devastating events, this Council affirms its commitment to fulfil our moral and humanitarian obligations to all people in crisis and Syrian refugees in particular. To this end Council agrees to write to the Prime Minister in support of a comprehensive national response to this terrible situation, pledging Trafford's full and unyielding co-operation in helping to alleviate the pain and suffering inflicted by what many have described as the worst humanitarian crisis since the Second World War.”

It was moved and seconded as an amendment that:

“The Council affirms its commitment to fulfil its moral and humanitarian obligations to all people in crisis and Syrian refugees in particular, and is deeply disturbed by recent images that have highlighted the urgent need for a co-ordinated and national response to support those most in need.

- The Council recognises the emotional and humanitarian aspects of the present situation. Its position is aligned to that of the UK Government and it will respond positively and swiftly to any request for assistance as part of a Government-led initiative. We support the Government in seeking a political solution to present turmoil in the Middle East.
- The Council pledges to work with colleagues across Greater Manchester authorities and partners including the housing sector, social care, the NHS and transport should there be a Government-led resettlement process across the UK.

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- In order to ensure a high level of care and support is provided, the Council wishes to see all areas of the country to play their part, recognising that there exists today a disproportionate concentration across the North West region that has placed extra demand on local resources, and that this is a view adopted widely across all Greater Manchester authorities.
- Council supports Parliament in legislating to maintain aid spending at present levels and welcomes the commitment of the Chancellor of the Exchequer to use the foreign aid budget to assist local authorities that help with the crisis.
- The Council is proud of Trafford's communities that have a long history of supporting those most in need of our help and care.

To this end Council agrees to write to the Prime Minister in support of a comprehensive national response to this terrible situation, pledging Trafford's full and unyielding co-operation to a national co-ordinated response in helping to alleviate the pain and suffering so many are presently experiencing."

Following a debate on the matter, the amendment was put to the vote and carried unanimously. The Leader of the Council then spoke on the substantive Motion before it was agreed by the general consent of the Council.

RESOLVED: That the Council affirms its commitment to fulfil its moral and humanitarian obligations to all people in crisis and Syrian refugees in particular, and is deeply disturbed by recent images that have highlighted the urgent need for a co-ordinated and national response to support those most in need.

- The Council recognises the emotional and humanitarian aspects of the present situation. Its position is aligned to that of the UK Government and it will respond positively and swiftly to any request for assistance as part of a Government-led initiative. We support the Government in seeking a political solution to present turmoil in the Middle East.
- The Council pledges to work with colleagues across Greater Manchester authorities and partners including the housing sector, social care, the NHS and transport should there be a Government-led resettlement process across the UK.
- In order to ensure a high level of care and support is provided, the Council wishes to see all areas of the country to play their part, recognising that there exists today a disproportionate concentration across the North West region that has placed extra demand on local resources, and that this is a view adopted widely across all Greater Manchester authorities.

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- Council supports Parliament in legislating to maintain aid spending at present levels and welcomes the commitment of the Chancellor of the Exchequer to use the foreign aid budget to assist local authorities that help with the crisis.
- The Council is proud of Trafford's communities that have a long history of supporting those most in need of our help and care.

To this end Council agrees to write to the Prime Minister in support of a comprehensive national response to this terrible situation, pledging Trafford's full and unyielding co-operation to a national co-ordinated response in helping to alleviate the pain and suffering so many are presently experiencing.

40. MOTION SUBMITTED BY THE LABOUR GROUP - POLICE ALLOCATION FORMULA AND IMPACT ON GREATER MANCHESTER POLICE

(Note: Councillor Freeman declared a personal interest in this item, having served with the Greater Manchester Police for over 30 years and was in receipt of a pension from the Greater Manchester Police and Crime Commissioner's Office, and remained in the meeting during its consideration.)

It was moved and seconded that:

"This Council notes:

- The Home Office has announced a public consultation on the current Police Allocation Formula which is to conclude on 15th September.
- The Home Office has so far failed to provide adequate details to Police Crime Commissioners, Police and Chief Constables that allow them to fully understand financial implications and may leave the force severely disadvantaged.
- Potential cuts could range from £53 million to £78 million which is the equivalent of between 1,060 and 1,560 officers.
- Since 2010 Greater Manchester Police (GMP) has lost more than 1,500 officers. 129 officers across Trafford.
- Lack of clarity from the Home Office suggests that financial planning is and will be incredibly difficult to forecast even in the short term.
- The National Audit Office has already warned the Government has insufficient information on how much further police funding could be cut without degrading services.
- The Chief Constable Sir Peter Fahy reports that GMP risk becoming a 'reactive force'.

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Council resolves:

To work with the Police and Crime Commissioner and the Chief Constable to pursue the letter sent to Rt. Hon. Theresa May requesting further detail on the Police Allocation Formula.

To openly challenge this Government on the proposed further cuts to GMP and fight for a fairer deal for Trafford.”

It was moved and seconded as an amendment that:

“This Council notes:

- The Home Office has announced a public consultation on the current Police Allocation Formula which concluded on the 15 September 2015.
- That Police and Crime Commissioners and Chief Constables have requested further information from the Home Office that allow them to fully understand financial implications.
- That since 2010, Greater Manchester Police has reduced by 1,500 the number of police officers, of which 129 were from the Trafford division and notes that this was one of the largest reductions, as a percentage, across the force area.

The Council resolves:

- To work with the Greater Manchester Police and Crime Commissioner and the Chief Constable to pursue their letter sent to the Home Secretary requesting further detail on the Police Allocation Formula.
- In light of the information being received, to challenge the Government to deliver a fair spending settlement for Greater Manchester Police and locally to further challenge the Greater Manchester Police and Crime Commissioner to deliver an equitable settlement for Trafford when he considers how to implement spending reductions across the force area.”

Following a debate on the matter, the Motion was put to the vote and carried unanimously. Consequently, the substantive Motion was declared carried.

RESOLVED: That this Council notes:

- The Home Office has announced a public consultation on the current Police Allocation Formula which concluded on the 15 September 2015.
- That Police and Crime Commissioners and Chief Constables have requested further information from the Home Office that allow them to fully understand financial implications.

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- That since 2010, Greater Manchester Police has reduced by 1,500 the number of police officers, of which 129 were from the Trafford division and notes that this was one of the largest reductions, as a percentage, across the force area.

The Council resolves:

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- In light of the information being received, to challenge the Government to deliver a fair spending settlement for Greater Manchester Police and locally to further challenge the Greater Manchester Police and Crime Commissioner to deliver an equitable settlement for Trafford when he considers how to implement spending reductions across the force area.

The meeting commenced at 7.07 p.m. and finished at 8.39 p.m.

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TRAFFORD COUNCIL

Report to: Meeting of the Council
Date: 11 November 2015
Report for: Information
Report of: Director of Legal and Democratic Services

Report Title

POLITICAL GROUP COMPOSITION

Summary

To advise Council of a change to the political composition of the Council and the position in relation to the constitution of Council Committees for the remainder of the 2015/16 municipal year.

Recommendation(s)

- 1) That the current composition of the political groups on the Council, as set out in the report, be noted.
- 2) That the Council notes that there will be no consequential change to the allocation of Committee places.

Contact person for access to background papers and further information:

Name: Ian Cockill
Extension: 1387

Background Papers: None.

1. POLITICAL COMPOSITION OF THE COUNCIL

1.1 The Chief Executive has been advised that a Member of the Council is no longer affiliated to the Labour Group of Councillors on Trafford Council. As a result, the political make-up of the Council is now:

- Conservative Group - 34 members
- Labour Group - 25 members
- Liberal Democrat Group - 3 members
- Independent - 1 member.

1.2 The regulations require that the composition of committees is in accordance with the political balance of the 63 members of the Council and that this is reviewed as a result of any changes.

1.3 Subject to the need to allocate each political group a total allocation of seats in proportion to its strength on the Council, the Membership of each Ordinary Committee should be made up of the following proportions: -

- Conservative (34/63) - 53.97%
- Labour (25/63) - 39.68%
- Liberal Democrat (3/63) - 4.76%
- Independent (1/63) - 1.59%

1.4 However, as there is no requirement to offer an independent person a seat as an individual does not constitute a group, the new political make-up has no significant effect on the total allocation of seats.

1.5 The existing allocations as shown in Appendix 1 remain consistent with the political proportions of the Council and therefore, there is no requirement to change the composition of Committees.

EXISTING COMMITTEE ENTITLEMENTS FOR THE MUNICIPAL YEAR 2015/16

Committee	No. of Members	Ex-officio Members	Co-opted Members	Proposed Places		
				CON	LAB	L/D
<u>Ordinary Committees</u>						
Accounts and Audit	7	-	-	4	3	0
Employment	7	-	-	4	3	0
Planning Development Control	13	-	-	7	5	1
Licensing *	15	-	-	8	7	0
Standards	11		5^^	6	4	1
Scrutiny	11	1#	5^	6	4	1
Health Scrutiny	11	1#	-	6	4	1
POLITICALLY BALANCED PLACINGS (excluding other Committees)	75			41	30	4
<u>Other Committee(s)</u>						
Health and Wellbeing Board**	2		7^^^	2	1	0
OVERALL PLACINGS	77			43	30	4

* Committees for which political balance rules may be disapplied

** Committee for which political balance rules do not apply

The Chairmen of both the Scrutiny Committee and the Health Scrutiny Committee shall be appointed as ex-officio non-voting members of the opposite scrutiny committee.

^ 2 Church and 3 Parent-Governor representatives

^^ 2 Parish representatives and 3 Independent members

^^^ Corporate Director of Children, Families and Wellbeing plus 11 External Partners

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TRAFFORD COUNCIL

Report to: Council
Date: 11 November 2015
Report for: Decision
Report of: Chairman of Scrutiny Committee/Director of Legal & Democratic Services

Report Title

Scrutiny Committee Membership – Appointment of Parent Governor Representatives as Co-Opted Members

Summary

Government legislation allows for the appointment of Parent Governor Representatives as co-opted Members of the Scrutiny Committee. There were three vacancies (one primary, one secondary and one special) which have now been filled, subject to Council approval.

Recommendation(s)

That Council agree the new Membership of the Scrutiny Committee to include the three new Parent Governor Representatives as co-opted Members as set out in Appendix 1 to the Report.

Contact person for access to background papers and further information:

Name: Chris Gaffey – Democratic & Scrutiny Officer
Extension: 2019

Background Papers: None

Relationship to Policy Framework/Corporate Priorities	<i>The appointment of the Parent Governor Representatives as co-opted Members of the Scrutiny Committee will give new perspectives and increase the quality of investigations by the Committee, helping the Council achieve its goal of 'Excellence in Education'.</i>
Financial	<i>Each Parent Governor Representative is eligible for an annual allowance of £1,148.</i>
Legal Implications:	<i>None</i>
Equality/Diversity Implications	<i>None</i>
Sustainability Implications	<i>None</i>
Staffing/E-Government/Asset Management Implications	<i>None</i>
Risk Management Implications	<i>None</i>
Health and Safety Implications	<i>The Parent Governor Representatives will be attending meetings at the Town Hall as well as possible site visits. This will need to be factored in when considering access to and use of the premises.</i>

1.0 Background

- 1.1 Government legislation allows for the appointment of between two and five Parent Governor Representatives (PGRs) as co-opted Members of an authority's Education Scrutiny Committee (or equivalent).
- 1.2 Trafford's governance arrangements for Education Scrutiny Committees provide for three Parent Governor Representative positions; one for primary schools, one for secondary schools and one for special schools. When the term of the previous secondary school PGR came to an end in August this year, all three positions were then vacant.

2.0 Election Procedure

- 2.1 Governor Services facilitated the election process, inviting all eligible Parent Governors to self-nominate for the positions.
- 2.2 One nomination was received for each position, meaning an election by ballot was not required.
- 2.3 Governor Services have checked the eligibility of all nominees, confirming that all three are eligible for their positions.
- 2.4 With no election to contest, the three nominees can be appointed to their respective positions by default.
- 2.5 If Council confirms the appointments, Governor Services will publicise the details in their circulated newsletter.

3.0 Conclusions and Recommendations

- 3.1 Council is asked to agree the new Membership shown in Appendix 1.

TRAFFORD COUNCIL**MEMBERSHIP OF COMMITTEES 2015/16****Notes on Membership:**

(1) The Scrutiny Committee shall have a membership of 11, or, where this does not achieve the political balance required under the Local Government and Housing Act 1989, whatever figure is necessary to reflect the proportional representation of political groups.

(2) The Scrutiny Committee shall be chaired by a Councillor who is a member of the largest political group on the Council. The person appointed as Vice-Chairman shall not be a member of the same political group as the person appointed as Chairman.

(3) The Chairmen of both the Scrutiny Committee and the Health Scrutiny Committee shall be appointed as ex-officio Members of the opposite scrutiny committee.

(4) The Scrutiny Committee shall appoint co-opted Members when that committee considers education matters.

COMMITTEE		NO. OF MEMBERS
SCRUTINY COMMITTEE		11
		(plus the Chairman of the Health Scrutiny Committee as an ex-officio Non-Voting Member)
		+ 5 CO-OPTED MEMBERS
		+ 3 NON-VOTING MEMBERS (when considering Education matters)
CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT GROUP
Councillors:-	Councillors:-	Councillors:-
Stephen Anstee Chris Boyes Chris Candish Jonathan Coupe CH Mrs Pamela Dixon David Hopps	Karina Carter Mike Cordingley V-CH Louise Dagnall Denise Western	Ray Bowker
TOTAL	6	4
		1

SCRUNTINY COMMITTEE CO-OPTED MEMBERS FOR EDUCATION MATTERS

Church of England (VOTING MEMBER): Vacancy

Roman Catholic (VOTING MEMBER): **Sister P. Goodstadt**

Parent-Governor Representatives

Primary (VOTING MEMBER): **Ms Saadia Shearaz Khan**

Secondary (VOTING MEMBER): **Mrs Judith Hanley**

Special (VOTING MEMBER): **Ms Tora Rushby**

Teacher Representatives

(NON-VOTING MEMBER): **Mr D. Kitchen**

(NON-VOTING MEMBER): Vacancy

(NON-VOTING MEMBER): Vacancy

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TRAFFORD COUNCIL

Report to: Council
Date: 11th November 2015
Report for: Decision
Report of: Corporate Director for Economic Growth, Environment and Infrastructure

Report Title

Licensing Act 2003 – Statement of Licensing Policy – 2016-2021

Summary

The Council is required to prepare, consult on and publish a Statement of Licensing Policy in accordance with the Licensing Act 2003.

The Council is invited to consider the summary of responses received following the statutory consultation; and the summary of amendments incorporating all proposed changes.

Recommendation(s)

That the Council adopt the revised Statement of Licensing Policy as attached at Appendix 3.

Contact person for access to background papers and further information:

Name: Joanne Boyle – Licensing Team Leader
Extension: 4129

Background Papers: None

Relationship to Policy Framework/Corporate Priorities	<i>Having a Policy on how the Council will administer its functions under the Licensing Act 2003 makes the processing of applications more efficient by giving residents, applicants and decision makers clear guidance on what factors will be taken into consideration when making decisions.</i>
Financial	<i>There will be no net additional cost to the Council</i>
Legal Implications:	<i>Section 5 of the Licensing Act requires the Council to publish a Statement of Licensing Policy and review it every 5 years.</i>
Equality/Diversity Implications	<i>None</i>
Sustainability Implications	<i>None</i>
Staffing/E-Government/Asset Management Implications	<i>None</i>
Risk Management Implications	<i>None</i>
Health and Safety Implications	<i>None</i>

1. Background

- 1.1 Section 5 of the Licensing Act 2003 requires that all local authorities review their Statement of Licensing Policy every five years.
- 1.2 In order to determine the review of policy, a licensing authority must consult with:-
- The Chief Officer of Police for the licensing authority's area.
 - The Fire Authority
 - Such persons as the Licensing Authority consider to be representative of holders of premises licences issued by that authority.
 - Such persons as the Licensing Authority considers to be a representative of holders of club premises certificates issued by that authority
 - Such persons as the Licensing Authority considers to be a representative of holders of personal licences issued by that authority
 - Such persons as the Licensing Authority consider to be representative of businesses and residents in the area.
- 1.3 A full consultation process was undertaken over a twelve week period in accordance with Government Guidance. The responses received have been collated and a Summary of Responses attached at **Appendix 1**. Details of the changes contained in the draft Licensing Policy are attached at **Appendix 2**.
- 1.4 If approved the policy will come into force on **7th January 2016**, and will remain in force for a period not exceeding five years, and will be subject to review and further consultation before **7th January 2021**. The Council will keep the policy under review, making any amendments as it considers appropriate to support licensing. A copy of the Licensing Policy 2016-2021 incorporating the proposed changes is attached at **Appendix 3**.

2. Other Options

2.1 The Council has two options:

- it could decide to accept the proposed amendments, in whole or in part; or
- it could decide not to accept the proposed amendments.

2.2 The amendments reflect changes to relevant legislation introduced since the Policy was last reviewed in 2010. If the Council decides not to accept the proposed amendments this would not prevent it from continuing to carry out its statutory licensing functions; however, it would open up the possibility of challenges to the Policy on the basis that it is not consistent with current legislation.

2.3 It is the view of officers that to adopt the Policy as amended would be the best approach for Trafford given that the majority of the proposals have already been rigorously tested; and the recent review and consultation process did not raise any adverse comments.

3. Consultation

3.1 The results of the consultation exercise are summarised at **Appendix 1**.

4. Recommendation

4.1 That the Council adopt the revised Statement of Licensing Policy as attached at Appendix 3.

Appendices Attached:

Appendix 1 – Summary of Responses to consultation

Appendix 2 - Summary of Amendments

Appendix 3 - Draft Licensing Policy – 2016-2021

APPENDIX 1

**LICENSING POLICY 2016 – 2021
SUMMARY OF RESPONSES TO CONSULTATION**

POLICY	RESPONSES	COUNCIL RESPONSE
	<p><u>Councillor Mike Freeman on behalf of the Labour Group</u></p> <p>Having read through the document there is nothing within it that causes any concerns. If anything it reaffirms to me how seriously here in Trafford we take our licensing issues.</p>	
<p><u>Old Trafford</u></p> <p>6.20 It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), during match days suffers from crime and disorder problems.</p> <p>6.21 During the football season there</p>	<p><u>Greater Manchester Police</u></p> <p>The Police have submitted a representation to amend the wording of sections 6.20 to 6.23</p> <p>6.20 It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), does have the potential for increased incidents of Crime and Disorder on match days.</p> <p>6.21 During the football season there are a number of arrests and ejections from</p>	<p>The Council has amended sections 6.20 to 6.23 following the representation from Greater Manchester Police. The sections have been updated to reflect the decrease in disorder and anti-social behaviour on match days in recent years due to the partnership working between the Police, Manchester United and the Premier League.</p>

	<p>are significant numbers of arrests during football operations around Old Trafford. The Police's experience is that a high percentage of those arrested or ejected have consumed alcohol in or near to the ground. Police intelligence also strongly indicates the use of licensed premises around the ground by groups involved in organised football disorder.</p>	<p>the stadium during football operations at Old Trafford. A high percentage of those arrested or ejected have consumed alcohol. The presence of licensed premises around the stadium on match days provides opportunities for some groups of fans to access alcohol which may subsequently have a detrimental impact on their behaviour.</p>
<p>6.22</p>	<p>In recent years the Police along with Manchester United and the Premier League have worked in partnership to schedule potentially difficult matches earlier in the day. The underlying reason for this policy has been the drive to reduce the scale of alcohol consumption prior to kick off. This policy has been viewed as a success, as the levels of disorder associated with high risk matches have decreased over the last five years.</p>	<p>6.22 In recent years the Police, along with Manchester United and the Premier League, have worked in partnership to schedule and resource high profile fixtures in order to minimise the potential for crime and disorder and anti-social behaviour both within and outside the stadium. This has included putting measures in place to minimise the impact that alcohol consumption has on supporters' behaviour. This has been viewed as a success, with the levels of disorder and anti-social behaviour associated with high profile matches having decreased over the last five years.</p>
<p>6.23</p>	<p>Given the high profile nature of matches at Old Trafford and the links between crime and disorder and alcohol consumption the Council believe that the licensing</p>	<p>6.23 Given the high profile nature of matches at Old Trafford and the links between crime and disorder and alcohol consumption the Council believe that the licensing policy should reflect the unique circumstances present in the area.</p>

<p>policy should reflect the unique circumstances present in the area. Therefore, the Council would expect applicants in the Old Trafford area to identify issues that may give rise to crime and disorder problems on match days and when major events are held at Old Trafford, and where appropriate and relevant to include measures to deal with such issues in their operating schedule.</p>	<p>Therefore, the Council would expect applicants in the Old Trafford area to identify issues that may give rise to crime and disorder problems on match days and when major events are held at Old Trafford, and where appropriate and relevant to include measures to deal with such issues in their operating schedule.</p>	
<p>14.0 CUMULATIVE IMPACT</p> <p>14.15 The Council has, therefore, adopted a special policy relating to cumulative impact with respect to both Altrincham and Sale town centres. This policy presumes that applications for new premises or club premises certificates or material variations of premises lying within the designated areas shown at Appendices 6 and 7 will normally be refused, if relevant representations to that effect are received, unless it can be</p>	<p><u>Greater Manchester Police</u></p> <p>The Police have submitted a detailed intelligence analysis document looking at whether the Saturation Policy is still required and to the extent to which it should be used if applicable. The document is restricted and may not be circulated but provides information on offences and incidents over the last year across Trafford in relation to violent crime and licensed premises.</p> <p>Violent crime has been identified as a Borough wide priority particularly in relation to town centres due to the</p>	<p>The Licensing Policy currently contains a Saturation Policy which identifies Sale and Altrincham town centres as saturated with licensed premises. The review of the Saturation Policy is carried out as part of the whole review of the Licensing Policy. The Council consulted Greater Manchester Police on the Policy and has taken into account their comments.</p> <p>The Council proposes not to alter the current Saturation Policy.</p> <p>The Saturation Policy is a special policy</p>

<p>demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.</p>	<p>significant cost implication for many agencies and danger it possesses to local residents and visitors to the borough.</p> <p>Overall, based on analysis of the data over the last year, the existing Saturation Policy should be kept.</p>	<p>related to the cumulative impact with respect to both Altrincham and Sale Town Centres which presumes that application for new premises or club premises certificates or material variations of premises lying within the designated areas will normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to cumulative impact already experienced.</p> <p>There should be an evidential basis for the decision to include a Saturation Policy within the statement of Licensing Policy. After considering the available evidence the Council is satisfied that it is appropriate to maintain the Saturation Policy for Altrincham and Sale Town Centres. It is clear that this will continue to have a positive impact in reducing alcohol crime in these areas.</p>
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APPENDIX 2

LICENSING POLICY 2016 – 2021 SUMMARY OF AMENDMENTS

EXISTING POLICY	REASON	PROPOSED AMENDMENT
SECTION 1.12 INTRODUCTION Section 1.12 Removed	Duplication	
SECTION 1.13 INTRODUCTION Section 1.13 & 1.14 New	The Policy recognises that Public Health Authorities are now responsible authorities under the Licensing Act 2003 and may be consulted on applications. However, public health is still not a licensing objective; therefore, the Policy can only hope to positively effect the prevention of alcohol misuse through the promotion of the four licensing objectives.	1.13 The licensing authority recognises that there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003. 1.14 Through ensuring the responsible selling of alcohol, this may impact on reducing a person’s drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function under the Act to promote the licensing objectives. Local Health Bodies potentially have access to much data that can inform licensing decisions and policy.

		<p>When such data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub-Committee in reaching its decision. The licensing authority recognises the impact of alcohol misuse in Trafford and it is hoped that through the implementation of this licensing policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children; this will impact positively on a reduction in child alcohol related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse.</p>
<p>SECTION 2 LICENSABLE ACTIVITIES Section 2.2 – 2.4 New</p>	<p>Sections 2.2 – 2.4 have been included in the Policy to reflect the new provisions of the Live Music Act 2012 and the Legislative (Entertainment Licensing) Order 2014</p>	<p>2.2 The definition of what constitutes ‘regulated entertainment’ is complex and has been (and remains) the subject of Government deregulation. Whilst ‘regulated entertainment’ potentially covers live or recorded music, dancing, plays, films and certain types of sporting activities, the Act itself provides various exemptions and restrictions on the types of activities subject to licensing.</p>

		<p>2.3 Other legislation such as the Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 have removed the ability of the authority to regulate many of those activities at certain times and in certain circumstances.</p> <p>2.4 It cannot be assumed, therefore, that a licence is required for all forms of entertainment or, even if a licence is required, and that the authority will necessarily have the power to impose restrictions or conditions on such entertainment.</p>
<p>4.0 AUTHORITY PROFILE SECTION 4.10 - Updated</p>		<p>4.10 In total there are 795 licensed premises in Trafford. This includes 233 off licences and 35 registered clubs. As at the 1st April 2015, in Trafford there are 1509 restaurants and other caterers and 573 food retailers, a number of which will provide late night refreshment.</p>
<p>5.0 LICENSING HOURS SECTION 5.4 & 5.5 Removed SECTION 5.4 New</p>	<p>Section 5.4 has been included in the Policy to reflect new powers for local authorities introduced in the Police Reform and Social Responsibility Act 2011.</p>	<p>5.4 This policy acknowledges that Central Government has introduced a discretionary power that enables local authorities to introduce Early Morning Alcohol Restriction Orders (EMRO). If introduced, an EMRO restricts the time after which alcohol may be sold or supplied. The time is set by the Licensing</p>

		Authority, but has to be between midnight and 06.00; and would apply to premises licences, club premises licences and temporary event notices.
<p>6.0 LICENCE OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER</p> <p>SECTION 6.20 Old Trafford 6.20 It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), during match days suffers from crime and disorder problems.</p> <p>6.21 During the football season there are significant numbers of arrests during football operations around Old Trafford. The Police’s experience is that a high percentage of those arrested or ejected have consumed alcohol in or near to the ground. Police intelligence also strongly indicates the use of licensed premises around the ground by groups involved in organised football disorder.</p> <p>6.22 In recent years the Police along with Manchester United and the Premier League have worked in partnership to schedule potentially difficult matches earlier in the day. The</p>	<p>Sections 6.20 to 6.23 have been amended following a representation from Greater Manchester Police. The sections have been updated to reflect the decrease in disorder and anti-social behaviour on match days in recent years due to the partnership working between the Police, Manchester United and the Premier League.</p>	<p>6.20 It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), does have the potential for increased incidents of Crime and Disorder on match days.</p> <p>6.21 During the football season there are a number of arrests and ejections from the stadium during football operations at Old Trafford. A high percentage of those arrested or ejected have consumed alcohol. The presence of licensed premises around the stadium on match days provides opportunities for some groups of fans to access alcohol which may subsequently have a detrimental impact on their behaviour.</p> <p>6.22 In recent years the Police, along with Manchester United and the Premier</p>

underlying reason for this policy has been the drive to reduce the scale of alcohol consumption prior to kick off. This policy has been viewed as a success, as the levels of disorder associated with high risk matches have decreased over the last five years.

6.23 Given the high profile nature of matches at Old Trafford and the links between crime and disorder and alcohol consumption the Council believe that the licensing policy should reflect the unique circumstances present in the area. Therefore, the Council would expect applicants in the Old Trafford area to identify issues that may give rise to crime and disorder problems on match days and when major events are held at Old Trafford, and where appropriate and relevant to include measures to deal with such issues in their operating schedule.

League, have worked in partnership to schedule and resource high profile fixtures in order to minimise the potential for crime and disorder and anti-social behaviour both within and outside the stadium. This has included putting measures in place to minimise the impact that alcohol consumption has on supporters' behaviour. This has been viewed as a success, with the levels of disorder and anti-social behaviour associated with high profile matches having decreased over the last five years.

6.23 Given the high profile nature of matches at Old Trafford and the links between crime and disorder and alcohol consumption the Council believe that the licensing policy should reflect the unique circumstances present in the area. Therefore, the Council would expect applicants in the Old Trafford area to identify issues that may give rise to crime and disorder problems on match days and when major events are held at Old Trafford, and where appropriate and relevant to include measures to deal with such issues in their operating schedule.

<p>9.0 LICENCE OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM SECTION 9.19 Updated</p>		<p>9.20 The Council will expect the premises to provide sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.</p>
<p>SECTION 11.0 - CONDITIONS SECTION 11.10 Removed SECTION 11.14 – 11.26 Moved to Appendix 3 of the Policy</p>		
<p>SECTION 12.0 STRATEGIC LINKS SECTION 12.23 Race Equality SECTION 13.20 Disability Discrimination Act 1995 replaced by new paragraphs at 13.23 the Equality Act 2010</p>		<p>13.23 The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.</p> <p>13.24 The new framework covers a series of ‘protected characteristics’. People who share these characteristics are regarded as being members of certain ‘protected groups’. The protected characteristics are:</p> <ul style="list-style-type: none"> • Race • Disability • Age • Religion or belief • Sex

- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership

The Equalities Act requires all businesses to consider employees and service users in all protected groups.

13.25 The 2010 Act also contains provision to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:

- it is unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- they have to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and
- they will have to make reasonable adjustments to the physical features of their premises to

		<p>overcome physical barriers to access.</p>
<p>SECTION 15.0 LATE NIGHT LEVY SECTION 15.1 – 15.7 New</p>	<p>Section 15 has been included in the Policy to reflect new powers for local authorities introduced in the Police Reform and Social Responsibility Act 2011.</p> <p>The late night levy ('the levy') enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority can choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.</p> <p>The levy empowers local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities.</p>	<p>15.1 The Police Reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late night levy ("the levy") to all premises within its licensing area.</p> <p>15.2 The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the area that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising a contribution towards the costs of policing the night time economy.</p> <p>15.3 As the powers are discretionary the Council, in its capacity as the Licensing Authority, must decide whether to introduce them; and in accordance with the 2011 Act in making that decision the Council must consider:</p> <p>The cost of policing and other arrangements for reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6.00 am; and having regard to those costs, is there a desire to raise revenue to cover those costs.</p>

		<p>15.4 In considering whether there is a 'desire' to introduce the late night levy, the Licensing Authority must take into account the views of Greater Manchester Police, the licence holders that will be affected by the levy and the residents of the borough.</p> <p>15.5 The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Greater Manchester Police.</p> <p>15.6 The Licensing Authority recognises that this levy would cover the whole of the borough and not just those premises that are causing problems or those premises within any cumulative impact area. Therefore, serious consideration will be given to the introduction of the levy.</p> <p>15.7 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing a late night levy. Should this change during the life of this policy then the designated procedure would be applied to determine if a late night levy is appropriate.</p>
<p>SECTION 16.0 EARLY MORNING RESTRICTION ORDERS SECTION 16.1 – 16.6 New</p>	<p>The Police Reform and Social Responsibility Act 2011 extended the flexibility of the existing EMARO power in the 2003 Act to provide licensing authorities with an</p>	<p>16.1 The power to make, vary or revoke an Early Morning Alcohol Restriction Order (EMARO) is set out in section 172A to 172E of the Licensing Act 2003.</p>

additional tool to shape and determine local licensing, and to address specific problems caused by late night drinking. The 2011 Act extended these un-commenced powers to cover a longer period each night and lowered the threshold for introducing them. Licensing authorities now have the power to make EMROs if they consider this appropriate for the promotion of licensing objectives, rather than necessary. EMROs rebalance the Licensing Act 2003 in favour of local communities, and increase the tools and powers available to licensing authorities and the police to tackle alcohol-related problems in local areas.

16.2 An EMARO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

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

16.4 It is the Council's intention to support businesses rather than hinder them, whilst ensuring the promotion of the licensing objectives. However, where this has deemed to fail then an EMARO may be considered as a possible solution.

16.5 It is likely that any request for an EMARO will come from Greater Manchester Police; however, the request may also be made by a number of different organisations, for example, the request for an EMARO may originate from the Council, a strategic partner, Public Health of residents association.

		<p>16.6 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMARO. Should this change during the life of this policy then the designated procedure would be applied to determine if an EMARO is appropriate.</p>
<p>SECTION 19.0 APPLICATION PROCEDURE SECTION 19.0 PROVISIONAL STATEMENTS Removed SECTION 19.9 New</p>	<p>The Policy recognises that Public Health Authorities are now responsible authorities under the Licensing Act 2003 and may be consulted on applications.</p>	<p>19.9 Section 104 of the Police Reform and Social Responsibility Act 2011 amends the 2003 Act so as to include the Local Primary Care Trust (PCT) or Local Health Board (LHB) as a responsible authority.</p> <p>19.10 As a responsible authority, the PCT/LHB can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates. In addition, the PCT/LHB may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection.</p> <p>19.11 Representations should be evidence based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, the PCT/LHB must ensure representations</p>

		are relevant to one of the four existing objectives.
SECTION 20.0 TEMPORARY EVENT NOTICES SECTION 20.3 New		20.3 There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.
APPENDIX 3 – MANDATORY CONDITIONS	All mandatory conditions now appear together in Appendix 3.	

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TRAFFORD COUNCIL

LICENSING POLICY 2016-2021

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- 1.0 INTRODUCTION AND FUNDAMENTAL PRINCIPLES
- 2.0 LICENSABLE ACTIVITIES
- 3.0 LICENSING OBJECTIVES
- 4.0 AUTHORITY PROFILE
- 5.0 LICENSING HOURS
- 6.0 LICENCE OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER
- 7.0 LICENCE OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE
- 8.0 LICENCE OBJECTIVE – PUBLIC SAFETY
- 9.0 LICENCE OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM
 - Children and Film Exhibitions
 - Children and Public Entertainments
- 10.0 SEX ESTABLISHMENT VENUES
- 11.0 CONDITIONS
- 12.0 STRATEGIC LINKS
 - Tourism, Culture and Employment
 - Transport
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 - Alcohol
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- 13.0 OTHER REGULATORY SYSTEMS
 - Planning Controls
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- 15.0 LATE NIGHT LEVY
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- 17.0 ENFORCEMENT
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 - APPENDIX 1 – DELEGATED FUNCTIONS
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1.0 INTRODUCTION AND FUNDAMENTAL PRINCIPLES

- 1.1 Trafford Council is the Licensing Authority within Trafford, under the provisions of the Licensing Act 2003 (the Act).
- 1.2 Licensing is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act.
- 1.3 The Act requires the Council in respect of each five year period to determine and publish its policy with respect to the exercise of its licensing functions.
- 1.4 This policy comes into force on **7th January 2016**, and will remain in force for a period not exceeding three years, and will be subject to review and further consultation before **7th January 2021**. The Council will keep the policy under review, making any amendments as it considers appropriate to support licensing objectives.
- 1.5 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe, healthy and sustainable environment to live and work, and the importance of well run entertainment premises to the local economy and vibrancy of the Borough. The Council is committed to partnership working with the Police, fire service, local businesses, licensing trade, local people and those involved in child protection towards the promotion of the common objectives as set out in this policy.
- 1.6 The licensing policy has four main purposes, these are:
- To reinforce to elected Members on the Licensing Committee the boundaries and power of the Council, and to provide them with parameters under which to make their decisions.
 - To inform the licence applicants of the parameters under which the Council will make licence decisions, and therefore how a licensed premises is likely to be able to operate within Trafford.
 - To inform residents and businesses of the parameters under which the Council will make licence decisions, and therefore how their needs will be addressed.
 - To support decisions made by the Council when these decisions are challenged in a court of law.
- 1.7 The Act also requires the Council to consult various bodies before determining the policy. A list of those who were consulted about this policy is contained in Appendix 5. Due consideration was given to all those who responded.
- 1.8 Every application considered by the Council under this policy will be considered on its merits, and regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003 and any supporting regulations.
- 1.9 Nothing in the policy will undermine the right of an individual to apply for a variety of permissions under the Act and to have any such application considered on its individual merits.

- 1.10 Nothing in the policy will override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Appropriate weight will be given to all relevant representations. This will not include those that are frivolous, vexatious or repetitious.
- 1.11 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 Health & Safety at Work Act etc. 1974
 - The Environmental Protection Act 1990 (as amended)
 - The Regulatory Reform (Fire Safety) Order 2004
 - The Equalities Act 2010
 - Human Rights Act 1998
 - Safety of Sports Grounds Act 1975
 - Town and Country Planning Act 1990
 - Planning & Compulsory Purchase Act 2004
 - Police Reform Act 2000
 - The Police and Crime Act 2009
 - The Anti-Social Behaviour, Crime and Policing Act 2014
 - Violent Crime Reduction Act 2006
 - Health Act 2006
- ~~1.12 The Council maintains that licensing is about the regulation of licensable activities on licensed premises, qualifying clubs and temporary events within the terms of the Act, and that any conditions attached to licences will be focused on matters which are within the control of individual licensees and others granted relevant permissions. [REMOVE - DUPLICATION]~~
- 1.12 The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:
- matters within the control of individual licensees and others who are granted any relevant authorisations;
 - the premises and places being used for licensable activities and their vicinity; and
 - the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 1.13 *The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to***

promote the four licensing objectives as set out by the Licensing Act 2003.[NEW PARAGRAPH]

1.14 ***Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function under the Act to promote the licensing objectives. Local Health Bodies potentially have access to much data that can inform licensing decisions and policy. When such data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub-Committee in reaching its decision. The licensing authority recognises the impact of alcohol misuse in Trafford and it is hoped that through the implementation of this licensing policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children; this will impact positively on a reduction in child alcohol related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse.*** [NEW PARAGRAPH]

2.0 LICENSABLE ACTIVITIES

2.1 This policy relates to the licensable activities defined by the Act, namely:

- (i) retail sales of alcohol
- (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- (iii) the provision of 'regulated entertainment', being:
 - (a) a performance of a play
 - (b) an exhibition of a film
 - (c) an indoor sporting event
 - (d) boxing or wrestling entertainment (indoors or outdoors)
 - (e) a performance of live music
 - (f) any playing of recorded music (excluding incidental music)
 - (g) a performance of dance
- (iv) the provision of late night refreshment at any time between 11.00pm and 5.00am for consumption on or off the premises.

2.2 ***The definition of what constitutes 'regulated entertainment' is complex and has been (and remains) the subject of Government deregulation. Whilst 'regulated entertainment' potentially covers live or recorded music, dancing, plays, films and certain types of sporting activities, the Act itself provides various exemptions and restrictions on the types of activities subject to licensing.***[NEW PARAGRAPH]

2.3 *Other legislation such as the Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 has removed the ability of the authority to regulate many of those activities at certain times and in certain circumstances.* [NEW PARAGRAPH]

2.4 *It cannot be assumed, therefore, that a licence is required for all forms of entertainment or, even if a licence is required, that the authority will necessarily have the power to impose restrictions or conditions on such entertainment.* [NEW PARAGRAPH]

2.5 Further advice and guidance for new applicants and existing operators may be found in the Licensing Act 2003 and guidance issued under s.182 of the Act published by the Home Office and the Department for Culture, Media and Sport at (www.gov.uk). The Act only affects those activities referred to above.

3.0 LICENSING OBJECTIVES

3.1 The Council will carry out its functions under the Act with a view to promoting the licensing objectives.

The licensing objectives are:

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

3.2 Each objective is of equal importance.

4 AUTHORITY PROFILE

4.1 The Borough of Trafford is an area of great diversity and contrasts and brings together a mix of inner-city, suburban and rural communities. Trafford lies in the South West of the Greater Manchester conurbation, and covers an area of approximately 40 square miles.

4.2 The Metropolitan Borough of Trafford was created in 1974 under local government re-organisation, and comprises Stretford, Sale and Altrincham, together with the former urban districts of Bowdon, Hale and Urmston, and the parishes of Carrington, Warburton, Dunham Massey and Partington.

4.3 Trafford's population is estimated at 226,600 (ONS Census 2011) an 8% increase on 2001.

4.4 Within Trafford there is Trafford Park, one of the biggest business parks in Europe, which covers a total area of 1650 acres, and is the base for over 1400 companies (just over 1000 within the Trafford borough boundary) employing in excess of 45,000 people.

- 4.5 Within Trafford Park there are a number of premises, including the Manchester International Freight Terminal, which is the first point of entry into the UK for food imports from Third Countries.
- 4.6 Significant shopping areas in Trafford include the INTU Trafford Centre, the 2nd largest shopping centre in the UK, with more than 348,000sq.m. of shopping and leisure space, around 280 shops and more than 50 places to eat, employing over 8000 people, and accounting for 30 million visitors a year.
- 4.7 There are also shopping centres in Altrincham, Sale, Urmston and at the Stretford Mall and indoor and outdoor markets across the Borough.
- 4.8 Trafford is also the home of Manchester United Football Club, Altrincham Football Club and Lancashire County Cricket Club (LCCC). In recent years the cricket club has been a major venue for concerts for major international artists with audiences of up to 50,000.
- 4.9 Other major leisure venues include the Silver Blades Ice Rink in Altrincham Town Centre (home to the Manchester Phoenix ice hockey team), the Chill Factor (the UK's longest real snow indoor ski slope), the Airkix Indoor Skydiving Centre, the Imperial War Museum (North), Event City (the second largest exhibition space outside of London), and the Sea Life Centre Aquarium at the Trafford Centre.
- 4.10 A number of commercial outlets in Trafford now offer licensable activities identified in the Act. ***In total there are 795 licensed premises in Trafford. This includes 233 off licences and 35 registered clubs. As at the 1st April 2015, in Trafford there are 1509 restaurants and other caterers and 573 food retailers, a number of which will provide late night refreshment.*** [~~Source: Trafford MBC Food Safety and Food Standards Service Plan 2010-2011~~].

5.0 LICENSING HOURS

- 5.1 The Council will deal with licensing hours on the merits of each individual application. In general terms, a flexible approach will be adopted and restrictions on trading hours will normally be set by the applicant's operating schedule, unless representations are made, in which case they will be set in line with this policy and any guidance issued by the Secretary of State in order to promote the licensing objectives.
- 5.2 The Council recognises that a flexible approach to longer licensing hours with regard to the sale of alcohol is important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- 5.3 The Council also recognises the role that greater flexibility over licensing hours may play in the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and

attractive to domestic and international tourists, providing customers with greater choice and flexibility.

5.4 ~~The Council will not set fixed trading hours within a designated area (i.e. 'zoning'), as this may lead to significant movement of people across boundaries in search of premises opening later, and can result in greater disturbance in the streets at particular times and concentrations of disturbance and noise. This is contrary to one of the purposes of the Act: the avoidance of fixed and artificially early closing times which produce peaks of disorder and disturbance on the streets when a majority of customers emerge simultaneously. [REMOVE – REPLACED BY NEW POWERS]~~

5.5 ~~The Council will also not seek to engineer “staggered closing times” by setting quotas for particular closing times. For example, by allocating closing times of 11.00pm, 12 midnight, 1.00am, 2.00am, 3.00am etc to particular premises. This would only serve to replace the current peaks of disorder and disturbance after 11.00pm and after 2.00am with a series of smaller peaks, minimising any potential improvement in the prevention of crime and disorder. [REMOVE – REPLACED BY NEW POWERS]~~

5.4 ***This policy acknowledges that Central Government has introduced a discretionary power that enables local authorities to introduce Early Morning Alcohol Restriction Orders (EMRO). If introduced, an EMRO restricts the time after which alcohol may be sold or supplied. The time is set by the Licensing Authority, but has to be between midnight and 06.00; and would apply to premises licences, club premises licences and temporary event notices. [NEW PARAGRAPH]***

5.5 Where an applicant wishes to apply to extend their current opening hours, and for applications relating to previously unlicensed premises, the Council will expect their operating schedule to detail the measures to be taken to ensure the licensing objectives are addressed. In respect of extensions to existing licences only additional steps which may be required in relation to the variation need be included.

5.6 When considering applications for later closing times in respect of premises licences, where relevant representations have been made, the Council will take the following into consideration in accordance with Government Guidance:

- Whether the premises is located in a predominantly commercial area
- The nature of the proposed activities to be provided at the premises
- Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents

- Whether the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

5.7 Opening hours beyond midnight may be more likely to attract relevant representations and if the Council's discretion is engaged it is possible conditions relating to opening hours may be imposed.

5.8 As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2 a.m. than at 11 p.m. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of "prevention of public nuisance".

5.9 One of the greatest flashpoints occurs at closing times. In order to combat these flashpoints it is the policy of the Council to encourage 'wind down times'. In this regard it is suggested that licensees should consider remaining open for at least 30 minutes after the last service of alcohol. During this time the licensee may wish to offer for sale non-alcoholic beverages. The reason for this is to encourage patrons to leave the venue gradually, and encourage licensed premises away from the 'chucking out' culture. Clearly, any period of time an establishment wishes to remain open after the end of licensed hours is acceptable provided no alcohol is sold. This policy is aimed at the fulfilment of the licensing objective of "prevention of crime and disorder".

- 5.10 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours (for example, following police representations in the case of isolated shops or late night supermarkets known to be linked to, or to be a focus of disorder and disturbance).
- 5.11 In respect of premises predominantly supplying take-away food, between the hours of 11.00pm and 5.00am the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises.

6.0 LICENCE OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER

- 6.1 Trafford Council is committed to further reducing crime and disorder within Trafford and helping people feel safe.
- 6.2 The Council will have particular regard to the likely impact of licensing on related crime and disorder in the Borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.
- 6.3 When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:-
- Underage drinking
 - Drunkenness on premises
 - Public drunkenness
 - Drugs
 - Violent behaviour
 - Anti-social behaviour.
- 6.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Such measures may include:
- The capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
 - The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications.
 - The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
 - The features currently in place or planned for physical security at the premises, such as lighting outside the premises

- Policies adopted to meet appropriate best practice in accordance with existing guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, eg. British Beer and Pub Association Partnerships Initiative).
 - Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.
- 6.5 In addition, in those circumstances where the applicant has agreed measures to co-ordinate closing times or to prevent migration between premises with different closing times, it would be appropriate to detail such arrangements in the operating schedule.
- 6.6 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, however, the Council will expect more comprehensive measures to be in place at late night venues (i.e. premises which remain open to the public after 12.00pm) or in premises with a history of crime and disorder issues.
- 6.7 Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:
- provision of effective CCTV with recording facilities both within and outside certain premises
 - crime prevention design, including adequate lighting and supervision of car parks
 - metal detection and search facilities
 - procedures for risk assessing promotions and events such as 'happy hours' for the potential to cause crime and disorder, and plans for minimising such risks
 - measures to prevent the use or supply of illegal drugs
 - employment of Security Industry Authority licensed door supervisors and other appropriately trained staff
 - participation in an appropriate Pubwatch Scheme or other similar scheme
 - promotion of safe drinking
 - the control of glass and the provision of plastic containers or toughened glass
 - use of radio net system (where available)
 - provisions for dealing with prostitution or indecency
 - provisions for discouraging drinking in public places in the vicinity of the premises
 - policies on dress and music
 - appropriate additional staff training.
- 6.8 All premises applying for licensing beyond 12.00pm must demonstrate that its customers will be capable of leaving the area without causing a disruption to

local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

- 6.9 The Council will have regard to representations from the Police in deciding whether the above issues have been adequately addressed. Where Police representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on crime and disorder, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.
- 6.10 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.
- 6.11 In respect of premises predominantly supplying take-away food, between the hours of 11.00pm and 5.00am the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises.
- 6.12 The Council will expect licensees of venues likely to be affected by drugs 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 tragedies as a result of drug misuse. In certain types of premises it may be appropriate and relevant for the operating schedule to include measures such as access for customers to drug testing kits, particularly for the prevention of drug assisted sexual assault, chill-out rooms and free water.
- 6.13 The Council will not use the Licensing Policy to control prices or hinder free and fair competition in licensed trade. However, the Council will not support drinks' promotions that encourage the irresponsible consumption of alcohol, and where there is demonstrable evidence that certain types of promotion (such as "buy one get one free", "drink as much as you can for a fiver" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted they should be held in accordance with the mandatory conditions which prohibit irresponsible promotions.
- 6.14 Within the operating schedule for premises from which alcohol will be sold, the applicant must identify the Designated Premises Supervisor. The Council will normally 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, would normally expect them to be present on the premises on a frequent and regular basis

- 6.15 Glass is a major factor in disturbances around licensed premises. At certain types of premises if measures were introduced in relation to glass control within the premises, at disposal points and to prevent the unauthorised removal of glass from premises, these may assist in promoting the licensing objective of preventing crime and disorder. In such cases it may be appropriate for applicants to address these issues through their operating schedule.
- 6.16 Whenever any persons are employed at licensed premises to carry out a security activity, it will be a condition of licence that all such persons must be licensed with the Security Industry Authority. The applicant may consider that certain premises require strict supervision for the purpose of promoting the licensing objectives. In such cases, it may be appropriate for the applicant to provide details of the security arrangements to be employed at the premises. This may then form the basis of an appropriate condition on the licence. The absence of such measures in the operating schedule may give rise to a relevant representation.
- 6.17 The Council will work closely with the Police to review the licences of premises where a Police Closure Notice has been served.
- 6.18 The Council will consider representations from the Police to exercise its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder Objectives
- 6.19 Local crime prevention strategies will, wherever appropriate and as far as is possible, be supported and reflected in conditions attached to premises licences and club premises certificates.

Old Trafford

- ~~6.20 — It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), during match days suffers from crime and disorder problems.~~
- ~~6.21 — During the football season there are significant numbers of arrests during football operations around Old Trafford. The Police's experience is that a high percentage of those arrested or ejected have consumed alcohol in or near to the ground. Police intelligence also strongly indicates the use of licensed premises around the ground by groups involved in organised football disorder.~~
- ~~6.22 — In recent years the Police along with Manchester United and the Premier League have worked in partnership to schedule potentially difficult matches earlier in the day. The underlying reason for this policy has been the drive to reduce the scale of alcohol consumption prior to kick off. This policy has been viewed as a success, as the levels of disorder associated with high risk matches have decreased over the last five years. [REPLACED]~~
- 6.20 *It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), does have the potential for***

increased incidents of Crime and Disorder on match days. [NEW PARAGRAPH]

- 6.21** *During the football season there are a number of arrests and ejections from the stadium during football operations at Old Trafford. A high percentage of those arrested or ejected have consumed alcohol. The presence of licensed premises around the stadium on match days provides opportunities for some groups of fans to access alcohol which may subsequently have a detrimental impact on their behaviour. [NEW PARAGRAPH]*
- 6.22** *In recent years the Police, along with Manchester United and the Premier League, have worked in partnership to schedule and resource high profile fixtures in order to minimise the potential for crime and disorder and anti-social behaviour both within and outside the stadium. This has included putting measures in place to minimise the impact that alcohol consumption has on supporters' behaviour. This has been viewed as a success, with the levels of disorder and anti-social behaviour associated with high profile matches having decreased over the last five years. [NEW PARAGRAPH]*
- 6.23** Given the high profile nature of matches at Old Trafford and the links between crime and disorder and alcohol consumption the Council believe that the licensing policy should reflect the unique circumstances present in the area. Therefore, the Council would expect applicants in the Old Trafford area to identify issues that may give rise to crime and disorder problems on match days and when major events are held at Old Trafford, and where appropriate and relevant to include measures to deal with such issues in their operating schedule.
- 7.0 LICENCE OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE**
- 7.1** Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Council recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.
- 7.2** Public nuisance in this context includes such issues as noise and disturbance, light pollution, odour, vermin and pest infestations, accumulations of refuse and litter, and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 7.3** The Council, however, recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.

7.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance.

7.5 In considering applications, the Council will expect to see evidence that the applicant has identified matters that impact on the likelihood of public nuisance and that these matters have been addressed in the operating schedule. Such measures may include:

- Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises or in the immediate vicinity of the premises and including any outside areas (including smoking areas) bearing in mind the location of premises and proximity to residential and other noise sensitive premises (e.g. hospitals, hospices and places of worship); This would include music, ventilation equipment noise and human voices, whether or not amplified;
- Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
- Control of opening hours for all or part (e.g. garden areas) of the premises
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
- Steps taken to lessen the impact of parking in the local vicinity
- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- A 'wind down time' after the last service of alcohol, during which time the venue may offer for sale non-alcohol beverages
- A 'last admission time' policy
- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics.

7.6 The extent to which the above matters need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance issues.

7.7 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to reduce the risk of public nuisance. Where representations indicate that any matter has not been addressed sufficiently to prevent public nuisance the applicant will be expected

to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation.

7.8 Where appropriate the applicant will be expected to propose practical steps to prevent disturbance to local residents and to have regard to the “Good Practice Guide on the Control of Noise from Pubs and Clubs” produced by the Institute of Acoustics. Where noise has been identified as a potential problem by the applicant or Council officers, then the Council would expect the applicant to detail the measures proposed to address this issue within the operating schedule. Noise could relate not only to music but also from air handling equipment or from patrons. There are a number of practical ways in which sound leakage can be addressed, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air conditioning
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
- Installing soundproofing measures to contain sound and vibration.

7.9 In premises where patrons leave the premises particularly late at night or early in the morning, the Council will expect the applicant to have included in the operating schedule practical steps for reducing noise disturbance, such as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, and to respect the rights of nearby residents
- At appropriate times making loudspeaker 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
- Banning from the premises people who regularly leave in a noisy manner
- The supervision of any queues formed late in the evening so as to keep noise and disturbance to a minimum.

7.10 Where relevant representations have been received, conditions may be imposed which include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.

7.11 In considering an application, the Council will take into account previous noise and nuisance complaints, and the ability/willingness of the licensee to deal with such complaints.

8.0 LICENCE OBJECTIVE – PUBLIC SAFETY

8.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has

been taken of their needs with respect to public safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not adequately covered by existing legislation, the applicant should identify the steps which will be taken to ensure public safety.

8.2 The Council is committed to ensuring public safety across the borough by working in close partnership, in particular, with Greater Manchester Police and Greater Manchester Fire and Rescue Service, as well as with licensees.

8.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety at the premises.

8.4 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, the following options should be considered as measures that, if necessary, would promote public safety:

- The condition, design and layout of the premises, including the means of escape in case of fire
- Arrangements to ensure the safety of customers and staff in the event of fire or other emergency
- The nature of the activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature
- The number of people that can safely be accommodated at the premises; having regard, in particular to floor area and means of escape
- The customer profile (e.g. age, disability etc.)
- The necessary health and safety and fire risk assessments at premises and events, and other measures to reduce risk to public safety
- The measures to be employed to monitor the occupancy of the premises so that maximum capacities (where identified) are not exceeded
- The necessary risk assessments to cover the erection and design of any temporary structures
- Risk assessments and safety procedures in the event that the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc is proposed
- The number of people employed or engaged to secure the safety of everyone attending the premises or event
- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
- Noise exposure, both in terms of staff safety and protection of hearing for the public and staff at the premises, in accordance with current legislation
- Arrangements to ensure that litter, generated by the activity of premises, does not create a fire hazard
- Implementation of appropriate crowd management measures

- The adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises and alerting people to the dangers of drinking and driving)
 - Any arrangements or advertising of taxis and private hire vehicles to relate only to such vehicles properly licensed by the Council.
- 8.5 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.
- 8.6 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to ensure the safety of the public. Where representations are made by one of the responsible authorities indicating that any matter has not been addressed sufficiently to ensure public safety, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.
- 8.7 Prior to the determination of a licensing application, and subsequently, an applicant must comply with statutory requirement/regulations to provide the following:
- (a) Electrical Inspection Report Certificate
 - (b) Fire Alarm Test Inspection Report
 - (c) Emergency Lighting Inspection and Test Report
 - (d) Fire-fighting Equipment
 - (e) Flame Retardant Properties of Materials Certificate (new premises or new upholstery)
 - (f) Gas Safety Certificate
 - (g) Ceiling Certificate, in the case of cinemas.
- 8.8 Where applicants consider the use of licensed door supervisors to control access and egress to and from premises, this should be detailed in the operating schedule and where appropriate the Council will consider the attachment of a suitable condition. The absence of such measures in the operating schedule may give rise to a relevant representation.
- 8.9 The Council will work in close partnership with the Greater Manchester Fire Service to assist in determining an appropriate maximum capacity, where required, at individual venues.
- 9.0 LICENCE OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM**
- 9.1 The Council is committed to protecting children from harm and views this as an important licensing objective. Nevertheless, the Council has taken account of the view of the Government that the use of licensed premises by children should be encouraged. The Council recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on licensed premises and seeks to encourage their access to constructive leisure pursuits

which support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the prevention of harm.

9.2 Whilst some of the action taken to protect adults will provide protection from harm to children, they may also need special consideration. The Council will expect applicants to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.

9.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of protecting children from harm. Such measures may include:

- Arrangements taken or proposed to prevent children from acquiring or consuming alcohol
- Steps taken or proposed to prevent children from being exposed to drugs, drug taking or drug dealing
- Arrangements taken or proposed to prevent children from being exposed to gambling
- Steps taken or proposed to prevent children from being exposed to activities of an adult or sexual nature
- Steps taken or proposed to prevent children from being exposed to incidents of violence or disorder
- Measures taken or proposed to prevent children from being exposed to excessive noise
- Measures taken or proposed to prevent children from being exposed to special hazards such as falls from height
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- premises restrictions on the access by children to the whole or any part of the premises, including times when children may not be present.

9.4 The Council will have regard to representations from the Social Services and other child protection agencies to determine if measures proposed are sufficient to ensure that children are adequately protected from harm. Where representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on the protection of children from harm, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

9.5 In recognising the importance of the issue of under-age drinking, licensees are not able to provide alcohol to children, except where a 16 or 17 year-old consumes beer, wine or cider with a table meal in circumstances where he is accompanied by a person aged 18 or over. Therefore, applicants must be able to demonstrate that they have in place satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age

scheme. The Council would be supportive of arrangements, which include incorporating any of the following:

- Passport
- Photo Card driving licence issued in the European Union
- Proof of Age Scheme Card
- 'New type' driving licences with photographs
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder
- Citizen Card supported by the Home Office.

9.6 The Council will not impose conditions which restrict or prevent access by children, unless this has been identified by an applicant in their operating schedule or where relevant representations have been received.

9.7 Applicants may wish to specify a 'cut-off time' after which children would not be allowed to remain on the premises. In considering whether to impose a 'specified cut-off time' by way of condition, the Council will take into account:

- (a) the concerns of responsible authorities and interested persons who have made representations;
- (b) the steps set out in an operating schedule which the licensee will take to protect children from harm on such premises;
- (c) the type of event for which no age restriction may be needed e.g. family entertainment; non-alcohol events.

9.8 Issues with regard to access of children to premises are likely to arise in premises where any of the following apply:

- (a) convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;
- (b) a known association with, or inadequate arrangements to deter, drug taking or dealing;
- (c) a strong element of gambling on the premises;
- (d) entertainment of an adult or sexual nature is commonly provided;
- (e) inadequate arrangements to protect children from the supply and use of other products which it is illegal to supply to children;
- (f) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

9.9 Where such matters have been identified in an applicant's operating schedule or where relevant representations have been received, conditions dealing with the following matters may be appropriate:

- (a) Limitations on the hours when children may be present;
- (b) Age limitations below 18;
- (c) Limitations or exclusions when certain activities are taking place;
- (d) Access limited to parts of the premises;
- (e) Requirements for accompanying adults;

- (f) Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 9.10 No conditions will be imposed to the effect that children must be admitted to licensed premises.
- 9.11 Venue operators seeking premises and club premises certificates may wish to volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations, to the contrary, are made to the Council, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such.

Children and Film Exhibitions

- 9.12 Where a premises is used for film exhibitions, the Council will expect licences to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Council.
- 9.13 In the case of a film exhibition that has not been classified, in addition to the Council's assessment, the licensee will be expected to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children where the Council deem it necessary.
- 9.14 The Council will impose a mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council.
- 9.15 The Council will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.
- 9.16 In considering applications, the Council will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Children and Public Entertainments

- 9.17 Where children are present at an event as entertainers, the Council will expect an adult to be nominated as responsible for such child performers.
- 9.18 Where there is provision of entertainment specifically for children (e.g. a children's disco or supervised play area) the Council will expect sufficient adult supervisors (with sufficient experience) to be present to control the access and egress of the children and secure the protection of children, including child performers, from harm, bearing in mind the number and ages of the children involved and any other issues such as disabilities that the children may have.

9.19 ~~The Council will expect the premises to provide adequate numbers of attendants in accordance with Annex F of the Guidance issued under section 182 of the Licensing Act 2003.~~

9.19 *The Council will expect the premises to provide sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.* [NEW PARAGRAPH]

10.0 SEX ESTABLISHMENT VENUES

10.1 Where activities under a new licence would regularly include those with a sex related element, the premises may also require a sex establishment venue licence.

10.2 A sex establishment venue is defined as any premises where any live performance or any live display of nudity is of such a nature, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience (e.g. strip tease, table dancing, topless waitresses).

10.3 Therefore, a new premises may need to hold both a licence issued under the Licensing Act 2003 to allow the premises to sell alcohol; and a licence issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to allow the premises to be used as a sexual entertainment venue.

10.4 Where existing licensed premises provide or wish to provide sex related activity, the Council will expect the premises licence holder to assess the impact of the proposed activity on the licensing objectives and, where appropriate, apply to vary the conditions attached to the premises licence to take account of any increased risk. This may avoid a possible review of the premises licence from an interested party or responsible authority. Where it is deemed appropriate to seek a variation to the premises licence, the Council will expect the application to vary the premises licence to accompany the application for a sexual entertainment venue licence.

10.5 A hardcopy copy of the Council's policy on sex establishment licensing is available from the Licensing Office, Town Hall, Talbot Road, Stretford, M32 0TH or from the Council's website.

11.0 CONDITIONS

11.1 Conditions include any limitations or restrictions attached to a licence or certificate, and essentially are the steps the holder of the premises licence or the club premises certificate will be required to take at all times when licensable activities are taking place at the premises in question.

- 11.2 Conditions will be attached to licences and certificates only where they are necessary for the promotion of the licensing objectives.
- 11.3 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licence or certificate holders risk assessment. This would be translated into the measures recorded in the operating schedule that it is proposed to take to promote the licensing objectives. The operating schedule must also set out the proposed hours of opening. The proposals will then be made available to expert bodies, who are the responsible authorities described in the 2003 Act, and by interested parties such as local residents.
- 11.4 Where the responsible authorities and interested parties do not raise any representations about the proposals made to the Council, the Council will grant the licence or certificate subject only to conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions prescribed in the Act itself.
- 11.5 The Council will not impose any additional conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the validity of the concerns raised. It will then only impose such conditions as are necessary to promote the licensing objectives. However, in order to minimise disputes and the necessity for hearings, applicants are encouraged to consult with all responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 11.6 Any individual preparing an operating schedule is at liberty to volunteer any measure as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable as such under the Act.
- 11.7 Standardised conditions will be avoided, although 'pools of conditions' will be used from which necessary and proportionate conditions may be drawn in particular circumstances.
- 11.8 Conditions attached to licences and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.
- 11.9 Conditions will not be imposed which are beyond the responsibility or control of the licence holder.
- ~~11.10 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications, and when the Council are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the options in Annex D of the Guidance issued under section 182 of the Licensing Act 2003 should be~~

~~considered as measures which, if necessary, would promote the licensing objectives. [REMOVE – ANNEX D REMOVED FROM THE GUIDANCE]~~

11.10 If the existing law already places certain statutory responsibilities on an employer or operator of premises, the Council will not duplicate these duties through the use of licensed conditions.

11.11 Conditions will also not be set which replicate licensing offences that are set out in the Act, for example:

- to sell or supply alcohol to a person who is drunk
- to knowingly allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Mandatory Conditions

11.12 The 2003 Act provides for mandatory conditions to be included in every licence and/or club premises certificate. ***A set of the current mandatory conditions is attached at Appendix 3 to this policy.*** [NEW SENTENCE]

~~11.14 *Mandatory condition: Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.*~~

~~11.15 This does not mean that the designated premises supervisor or any other personal licence holder must be on the premises at all material times. However, the responsible person will not be able to escape responsibility for the actions of anyone authorised to make sales.~~

~~11.16 The Council will expect 'authorisation' to be in writing giving the name of the person authorised and the acts that may be carried out by that person. The Council will also expect that the responsible personal licence holder has made sensible arrangements to monitor the activity that they have authorised on a regular basis.~~

~~11.17 *Mandatory condition: Where a premises licence includes a condition that at specified times an individual must be present at the premises to carry out a security activity, the licence must include a condition requiring that individual to be licensed by the Security Industry Authority.*~~

~~11.18 *Mandatory condition: Where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with*~~

~~recommendations given either by the British Board of Film Classification (BBFC) or by the Licensing Authority.~~

~~11.19 On the 6th April the following mandatory conditions came into force and are treated as if they are included in every licence and certificate authorising the sale and supply of alcohol for consumption on the premises.~~

~~11.20 *Mandatory condition: The responsible person should be able to demonstrate that they have taken all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.*~~

~~11.21 It will be for the Licensing Authority, in consultation with the licensing trade and responsible authorities, to determine whether a promotion is 'irresponsible' in that it encourages people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.~~

~~11.22 *Mandatory condition: The responsible person must ensure that free potable tap water is provided on request to customers where it is reasonably available on the premises.*~~

~~11.23 *Mandatory Condition: The responsible person must ensure that no alcohol is dispensed directly by one person into the mouth of another person. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.*~~

~~11.24 On the 1st October 2010 the following mandatory conditions came into force and are treated as if they are included in every licence authorising on sales; the condition relating to age verification policy shall also apply to off sales:~~

~~11.25 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.~~

~~11.26 The responsible person shall ensure that-~~

- ~~(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a closed container) it is available to customers in the following measures-~~
- ~~(i) beer or cider: ½ pint;~~
 - ~~(ii) gin, rum, vodka or whiskey: 25 ml or 35 ml; and~~
 - ~~(iii) still wine in a glass: 125 ml; and~~
- ~~(b) customers are made aware of the availability of these measures.~~

~~[REMOVE – UPDATED MANDATORY CONDITIONS AT APPENDIX 3]~~

12.0 STRATEGIC LINKS

- 12.1 There are a range of strategic influences which affect the licensing system in terms of policy formulation, administration and enforcement activities. Whilst the following is not meant to be an exhaustive list, it identifies how the Council will secure proper integration with local strategies.

Tourism, Culture and Employment

- 12.2 The Council recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer.
- 12.3 The Council has prepared a Tourism framework which forms part of the Economic Development Plan highlighting the importance of retaining and enhancing the range of quality hospitality venues (bars, restaurants, clubs) as well as conference and meeting venues in the Borough.
- 12.4 Hotels, restaurants, clubs, pubs, and entertainment are all elements which contribute to the effectiveness of a destination as a tourist centre. It is estimated that some 83% of tourist spending is upon accommodation, eating, drinking, shopping and entertainment.
- 12.5 Special events can raise the profile of an area, add animation and life to existing attractions; encourage repeat visits and encourage visitors to stay overnight. Research also indicates that a high proportion of ABC1's, with relatively high spending power, attend urban events and festivals. Hosting events also opens up the opportunity to attend events for local people who are unable for whatever reason to travel to attend such events.
- 12.6 As part of implementing the Council's cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of communities (e.g. community involvement, social inclusion and cultural understanding). The potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children.
- 12.7 In determining what conditions should be attached to licences and certificates, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.
- 12.8 The Council will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed.

Care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.

- 12.9 Arrangements will be made for the Licensing Committee to receive, when appropriate, reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations.
- 12.10 The Licensing Committee will also be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.

Transport

- 12.11 The Council operate a Traffic Management Unit which meets on a monthly basis. This Unit includes representatives from TMBC (traffic, transportation and road safety), the Police, TfGM, and the Trafford Taxi Owners & Drivers Association. The Unit acts as a forum for discussion, and the Police and licensing enforcement officers are able to report to the Unit so that it may have regard to the need to disperse people from town and city centres swiftly and safely to avoid concentrations which produce disorder and disturbance when developing their policies.

Crime and Disorder

- 12.12 Under Section 17 of the Crime and Disorder Act 1998 the Council have a duty to consider crime and disorder reduction in the exercise of all its duties. The Licensing Act 2003 complements this duty for licensing authorities.
- 12.13 Trafford's Crime and Disorder Strategy 2012-2015 Local Area Agreement and the Strategic Assessment establishes the framework for reducing crime and disorder in the Borough and is underpinned by 8 delivery plans. The delivery plans are for the reduction and prevention of:
- Robbery
 - Harm Crime
 - Domestic Abuse
 - Theft of Pedal Cycle
 - Vehicle Crime
 - Burglary

There is also a delivery plan for reassurance and offenders. ***The crime strategy is currently being refreshed for 2015-2018.*** [NEW SENTENCE]

- 12.14 Safer Trafford Partnership is a multi-agency partnership group which is responsible for addressing a wide range of local crime and disorder and community safety issues within the Trafford area. The work of the partnership is co-ordinated by the Safer Trafford Partnership Board, which oversees the implementation of the Crime and Disorder Strategy.

12.15 The Safer Trafford Partnership has recently adopted the National Intelligence Method (NIM) of working. Under this process the Safer Trafford Partnership receives an annual assessment of Crime in Trafford, and is responsible for putting in place an Opportunities Strategy to deliver a menu of partnership tactics to reduce crime in the areas identified. Drug and alcohol related crime is a strategic objective and partnership tactics possibly involving licensing issues will form part of a monitored control strategy. A delivery structure beneath the Board has been put in place to develop such control strategies both strategically (Strategic Partnership Business Group, ¼ meeting and tactically (Trafford Partnership Business Group, monthly meeting) and operational local delivery via the four thematic groups, Area, Reassurance, Offender and Harm Crime.

Alcohol

12.16 The National Alcohol Harm Reduction Strategy identifies a number of priorities which local authorities will take into account when making decisions on relevant applications.

12.17 In conducting its licensing function the Council will be mindful of relevant strategies and policies, including the following:

- The National Alcohol Harm Reduction Strategy for England
- Other recognised codes of practice, including those relating to drinks' promotions, e.g. The Point of Sale Promotions published by the British Beer and Pub Association
- The Alcohol Strategy for Trafford
- ***The Greater Manchester Alcohol Strategy*** [NEW]
- The Council's byelaws prohibiting anti-social and street drinking.

Such policies will also be relevant when considering relevant representations.

Drugs

12.18 The Government has produced guidance entitled the 'Safer Clubbing Guide' in order to improve safety for all club goers and in particular to reduce the risk of harm associated with drug use and clubbing. The licensing regime is expected to use a range of conditions to control the environment at club premises. Where the licensing regime can impact on factors which increase the risk to safety of those taking drugs, the Council will take a proactive role in addressing these matters through partnership arrangements with the Police, club owners and local drug agencies.

12.19 The Safer Clubbing Checklist for club owners, managers and event promoters is in Appendix 3.

Anti-Social Behaviour

- 12.20 The Council maintains that licensing law is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
- 12.21 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The Council recognise that other mechanisms for addressing these issues exist both within and outside the licensing regime, for example:
- planning controls which take into account possible disturbance to adjoining occupiers, particularly of residential accommodation;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - the confiscation of alcohol from adults and children in designated areas;
 - police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance; and
 - the power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- 12.22 The Anti-Social Behaviour Act 2003 and the Violent Crime Reduction Act 2006 is designed to provide local authorities and the Police with a wider, more flexible range of powers to meet existing responsibilities and respond to the needs of their communities. ***The Anti-Social, Crime and Disorder Act 2014 was introduced to simplify powers available to the police and Local Authorities in relation to crime and anti-social behaviour.*** [NEW SENTENCE]

Race Equality

- ~~12.23 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote~~

~~equality of opportunity and good relations between persons of different racial groups.~~

~~12.24 Local authorities are also required under the 1976 Act, as amended, to produce a race equality scheme, which should include reference to the Licensing Policy. [REMOVED – REPLACED BY NEW PARAGRAPHS BELOW]~~

13.0 OTHER REGULATORY SYSTEMS

13.1 Care will be taken to ensure that, where there is an overlap between the licensing regime and other statutory regulatory systems that already place obligations on employers and operators, duplication will be avoided so far as possible and control exercised through the most appropriate system.

13.2 Conditions will not be set which duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation.

Planning Control

13.3 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the planning committee or permissions granted on appeal.

13.4 Planning permission is usually required for the establishment of new premises and the change of use of premises. In general, all premises that apply for a licence must also obtain or have obtained authorised planning permission and comply with all conditions of that planning permission, or benefit from permitted development rights pursuant to the General Permitted Development Order (1995). Planning permissions that are relevant to licensed premises include:

- a retail shop, licensed for the sale of liquor for example (A1);
- the use of premises for the sale and consumption of food and drink on the premises or where hot food is sold for consumption off the premises, including restaurants, bars and takeaways (A3);
- assembly and leisure uses, including cinemas, concert and indoor/outdoor sports and recreation (D2);
- a hotel that has a restaurant or bar included in its authorised use (C1).

13.5 Under the current Use Classes Order, planning permission is generally required if the use of an existing premises changes use class. For example, planning permission would be required for a change from a shop (A1) to a restaurant or bar (A3). Planning permission is not required if the use of existing premises changes to a use within the same use class. For example, planning permission would not normally be required for a change from a restaurant (A3) to a bar (A3).

- 13.6 When applying for planning permission the Council, as local planning authority, will consider the potential impacts and benefits of the proposed use within the context of the local development plan and relevant Government guidance and other material planning considerations.
- 13.7 In circumstances where any restriction has been placed on the use of premises (through the imposition of planning conditions) prior to an application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement. Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of this policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes, however there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.
- 13.8 The licensing committee will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the planning committee to have regard to such matters when taking its decisions but will also avoid any unnecessary duplication of controls.

Building Control

- 13.9 Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. "Approved Inspectors" offer a private sector alternative to local authority Building Control services.
- 13.10 Building Regulations Approval and Completion Certificates will be required prior to the commencement of the use of premises for licensable activities.

Health and Safety at Work

- 13.11 The Health and Safety at Work etc. Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on, and in other cases the Health and Safety Executive is responsible.
- 13.12 Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation.
- 13.13 The general duties under health and safety legislation (for example, to undertake a suitable and sufficient risk assessment) may not always

adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are 'appropriate' for the promotion of the licensing objectives that conditions will need to be attached to a licence. Conditions will not be set which duplicate other requirements of the law.

Statutory Nuisance

- 13.14 The Environmental Protection Act 1990 places a duty on local authorities to investigate complaints of nuisance (for example, noise), and take enforcement action where a statutory nuisance exists. The Licensing Act provides the power for the Police to close licensed premises (temporarily) to prevent nuisance to the public as a result of noise coming from the premises. The powers available to deal with noise nuisance have been extended by the Anti-Social Behaviour Act. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public or statutory nuisance.

Fire Precautions

- 13.15 In determining the provision of appropriate Fire Safety standards for licensed premises, Greater Manchester and Rescue Fire Service (GMFS) Fire Safety Officers will take into account the suitability and sufficiency of the premises fire risk assessment that must be undertaken by the person. From the 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will cease to have effect.
- 13.16 There will be close co-operation between the Council and GMFS to ensure that the public is properly protected.
- 13.17 Where Council inspections identify serious fire safety problems in premises which are subject to licence conditions which they cannot resolve easily or on which they require advice, they will contact the relevant Brigade Fire Safety Officer.
- 13.18 Where the premises are a sports ground that is covered by the Safety at Sports Grounds Act 1975, as amended, or the Fire Safety and Safety of Places of Sport Act 1987 the enforcing authority will be the Local Authority which is also the Licensing Authority.
- 13.19 It should be noted that under article 43 of the Fire Safety order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities will not seek to impose fire safety conditions where the order applies.

- 13.20 The exception to this is where the licensing authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports grounds and stands where the local authority enforces the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the licensing authority.
- 13.21 The Fire Safety order covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.
- 13.22 The responsibility for complying with the order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

Disability Discrimination Act 1995

~~13.20 Applicants' attention is drawn to the Disability Discrimination Act 1995 which introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:~~

- ~~• since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;~~
- ~~• since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and~~
- ~~• from 2004 they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.~~

~~13.21 Applicants may contact the Council for advice and guidance on how they can comply with these regulations.~~

The Equality Act 2010

13.23 *The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.*

13.24 *The new framework covers a series of ‘protected characteristics’. People who share these characteristics are regarded as being members of certain ‘protected groups’. The protected characteristics are:*

- *Race*
- *Disability*
- *Age*
- *Religion or belief*
- *Sex*
- *Sexual orientation*
- *Gender reassignment*
- *Pregnancy and maternity*
- *Marriage and civil partnership*

The Equalities Act requires all businesses to consider employees and service users in all protected groups.

13.25 *The 2010 Act also contains provision to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:*

- *it is unlawful to treat disabled people less favourably than other people for a reason related to their disability;*
 - *they have to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and*
 - *they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.*
- [NEW PARAGRAPHS]

Human Rights Act 1998

13.26 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- *Article 6* that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- *Article 8* that everyone has the right to respect for his home and private life; and
- *Article 1 of the First Protocol* that every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).

14.0 CUMULATIVE IMPACT

- 14.1 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.
- 14.2 Guidance issued under s.182 of the Act allows Councils to adopt a special saturation policy in such circumstances and specifies the steps to be followed in considering whether to adopt a special saturation policy. These steps require:-
- identification of concern about crime and disorder or public nuisance;
 - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - consultation with those specified in section 5(3) of the 2003 Act (see paragraph 22.1 of this policy document);
 - subject to that consultation, inclusion in the Licensing Policy of a special policy about future premises licence or club premises certificate applications from that area;
 - publication of the special policy as part of the Licensing Policy.
- 14.3 The effect of adopting a special saturation policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations in the area(s) identified by the special policy will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the special policy issues in their operating schedules in order to rebut such a presumption.
- 14.4 When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the

promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.

- 14.5 In considering such applications the Committee will have particular regard to:
- The occupancy figure for the proposed premises.
 - The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
 - Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
 - The proposed methods of management outlined in the applicant's operational plan.
 - The proposed hours of operation.
 - Transport provision for the Area.
- 14.6 Special saturation policies will never be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems at those premises. Nor will they be used to justify rejecting applications to vary an existing licence or certificate except where those modifications directly affect the issue of cumulative impact (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.
- 14.7 A special saturation policy will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. This is because quotas have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.
- 14.8 A special saturation policy will not include provisions for a terminal hour in a particular area.
- 14.9 Special saturation policies will be reviewed regularly (and at least every three years) to assess whether they are needed any longer or need expanding.

Saturation Policy

- 14.10 Analysis by the Police indicates that the areas in Trafford subject to the greatest volume of violent crime are the town centres of Altrincham and Sale.
- 14.11 Offences in these areas have been shown to most likely occur during the late evenings of Thursday, Friday, Saturday and Sunday. The major contributory

factor to these offences has been the growth of the late night economies and the rise of binge drinking.

- 14.12 The greater concentration of licensed premises within the town centre has resulted in large numbers of patrons attracted into Altrincham and Sale. The physical infrastructure of both towns, with narrow streets and a lack of open space has created an environment which has struggled to manage with the demands of the late night economy. The lack of an integrated transport infrastructure in the late evening periods has also created difficulties in moving patrons away at the end of the night. Analysis shows both these factors to be key drivers behind the rise in violent crime.
- 14.13 The Crime and Disorder Partnership Board have identified violent crime as a Borough wide priority. It outlined Altrincham town centre, Sale town centre and the Trafford Centre as hot spot areas. Crime and disorder in the late night economy in Altrincham has been highlighted as the number one priority of the Altrincham Crime and Disorder Partnership.
- 14.14 The cost implication of these problems to the Police, ambulance service, local authority and business community are significant. Whilst it will always be the duty of the local authority in partnership with the Police to take the necessary steps to tackle individual problem premises, the designation of both Altrincham and Sale town centres as areas of cumulative impact will allow for the strategic management of the late night economy to reduce crime and disorder and promote public safety.
- 14.15 The Council has, therefore, adopted a special policy relating to cumulative impact with respect to both Altrincham and Sale town centres. This policy presumes that applications for new premises or club premises certificates or material variations of premises lying within the designated areas shown at Appendices 6 and 7 will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

15.0 LATE NIGHT LEVY

- 15.1 *The Police Reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within its licensing area. [NEW PARAGRAPH]***
- 15.2 *The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the area that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising a contribution towards the costs of policing the night time economy. [NEW PARAGRAPH]***
- 15.3 *As the powers are discretionary the Council, in its capacity as the Licensing Authority, must decide whether to introduce them; and in***

accordance with the 2011 Act in making that decision the Council must consider:

- b) The cost of policing and other arrangements for reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6.00 am; and**
- c) having regard to those costs, is there a desire to raise revenue to cover those costs. [NEW PARAGRAPH]**

15.4 In considering whether there is a 'desire' to introduce the late night levy, the Licensing Authority must take into account the views of Greater Manchester Police, the licence holders that will be affected by the levy and the residents of the borough. [NEW PARAGRAPH]

15.5 The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Greater Manchester Police. [NEW PARAGRAPH]

15.6 The Licensing Authority recognises that this levy would cover the whole of the borough and not just those premises that are causing problems or those premises within any cumulative impact area. Therefore, serious consideration will be given to the introduction of the levy. [NEW PARAGRAPH]

15.7 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing a late night levy. Should this change during the life of this policy then the designated procedure would be applied to determine if a late night levy is appropriate. [NEW PARAGRAPH]

16.0 EARLY MORNING RESTRICTION ORDERS

16.1 The power to make, vary or revoke an Early Morning Alcohol Restriction Order (EMARO) is set out in section 172A to 172E of the Licensing Act 2003. [NEW PARAGRAPH]

16.2 An EMARO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives. [NEW PARAGRAPH]

16.3 EMAROs 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. [NEW PARAGRAPH]

16.4 It is the Council's intention to support businesses rather than hinder them, whilst ensuring the promotion of the licensing objectives. However, where this has deemed to fail then an EMARO may be considered as a possible solution. [NEW PARAGRAPH]

16.5 *It is likely that any request for an EMARO will come from Greater Manchester Police; however, the request may also be made by a number of different organisations, for example, the request for an ENARO may originate from the Council, a strategic partner, Public Health of residents association.* [NEW PARAGRAPH]

16.6 *At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMARO. Should this change during the life of this policy then the designated procedure would be applied to determine if an EMRAO is appropriate.* [NEW PARAGRAPH]

17.0 ENFORCEMENT

17.1 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own Enforcement Policy.

17.2 The Enforcement Concordat is based on the principles that businesses should:-

- receive clear explanations from enforcers of what they need to do and by when
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed
- receive an explanation of their rights of appeal.

17.3 Trafford Council's Enforcement Policy is freely available from the Council, as is this Policy and details of the Council's corporate complaints' procedures.

17.4 All decisions and enforcement action taken by the Council will have regard to the relevant provisions of the Act, national guidance, the Enforcement Policy of the Council, and to the principles of the Enforcement Concordat. In developing the enforcement policy the Council had, and will continue to have, regard to the statutory Regulator's code, issued by the Better Regulation Delivery Office under section 22 of the Legislative and Regulatory Reform Act 2006.

17.5 The Council intends to establish enforcement protocols with Greater Manchester Police on enforcement issues to provide for efficient deployment of local authority staff and police officers who may be engaged in enforcing licensing law and the inspection of licensed premises. This joint partnership approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance when relevant conditions are appropriate.

17.6 Inspections will take place at the discretion of the Council and its partner agencies and resources will be concentrated on areas of need. A light touch inspection regime will be employed for well-managed and maintained premises with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

17.7 The Council will investigate complaints where it is alleged that licensable activities have/or are to take place without the relevant licence 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 e.g. certain types of charitable event
- The impact/likely impact of the event e.g. complaints of nuisance/disorder
- The safety measures in place to deal with any possible risks

18.0 PERSONAL LICENCES

18.1 Personal Licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying-on of that activity.

18.2 Any individual may seek personal licences whether or not they have current employment or business interests associated with the use of the licence.

18.3 Provided an applicant has a qualification determined by the Department for Culture, Media and Sport (DCMS) and does not have certain criminal convictions the Council must grant the licence.

18.4 The Council will expect the applicant to produce a Criminal Record Bureau certificate or, in the event that the Council or Police are authorised for this purpose, the applicant will be required to sign a form of authority. Applicants from foreign jurisdictions will be expected to make a clear statement as to whether they have been convicted outside England and Wales of a relevant offence or an equivalent offence.

18.5 Where an applicant has a relevant conviction the Police may oppose the application. If an objection is lodged by the Police, a hearing of the Council's Licensing (Sub) Committee will be held. The Committee will consider carefully whether the grant of the licence is likely to compromise 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 Council will normally refuse applications where there are recent "relevant offences" and will only grant the application if it is satisfied that there are exceptional and compelling reasons for doing so. If the Police do not issue an objection notice and the application otherwise meets the requirements of the Act the Council must grant the licence.

18.6 Where a Personal Licence holder is convicted by a court for a relevant offence, the Court will advise the Council accordingly. On receipt of such a notification,

the Council will notify the Police and if they consider the continuance of the licence will prejudice crime and disorder objectives; they may issue an objection notice. In these circumstances, a hearing before the Licensing Committee will be held.

- 18.7 In order for the sale of alcohol to take place, the Council would normally expect the premises licence holder to ensure that there are a sufficient number of personal licence holders at the premises when alcohol is being supplied or retailed. If a personal licence holder is not on the premises for any reason, the Council would expect provisions to be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.
- 18.8 The Council will require one of the personal licence holders to be a **Designated Premises Supervisor**. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises in cases of emergency. Thus it will be clear who is in charge of the day-to-day running of the business.
- 18.9 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.

19.0 APPLICATION PROCEDURE

- 19.1 An application for a premises licence must be made in the prescribed form to the Council. The application must be accompanied by:
- the required fee;
 - an operating schedule (see below);
 - a plan of the premises in a prescribed form to which the application relates; and
 - if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor.
- 19.2 Application will only be deemed to be 'received' once all the required supporting information has been received
- 19.3 The operating schedule should ideally include a general description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers). It is also expected to indicate the type of entertainment available on the premises, whether licensable under the 2003 Act or not. This is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary at such premises for the protection of children from harm. For example, it is important that plans for regulated

entertainment of an adult nature or with sexual content should be disclosed. An operating schedule must also set out the following details:

- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place;
- any other times when the premises are to be open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- the steps which the applicant proposes to take to promote the licensing objectives.

19.4 In preparing an operating schedule, applicants should have a good idea of the expectations of the Council and the responsible authorities about the steps that are necessary for the promotion of the licensing objectives. It is recommended that applicants, having completed their own risk assessments, should seek the views of the key responsible authorities. For example, on matters relating to crime and disorder, the Police should be consulted and on matters relating to noise, local environmental health officers would be consulted. Such co-operative effort should minimise the number of disputes which arise in respect of operating schedules. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives that they have set out in the operating schedule will very often translate directly into conditions that will be attached to premises licences.

19.5 Applications for the grant, variation or review of premises licences should be advertised in accordance with the arrangements prescribed in the Regulations. The content of the advert must use those terms and descriptions of the application that are prescribed by the Regulations made under the Act.

19.6 A person making an application for a Premises Licence or Club Premises Certificate, or major variations of such licences or certificates, must send details of their applications to the 'responsible authorities' ***unless the application is submitted electronically, in which case the Council will serve the responsible authorities.*** These authorities must be consulted about such applications, and are entitled to lodge representations, and to ask the Council to review a premises licence and club premises certificate.

19.7 The responsible authorities, in the case of all premises, include:-

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of

premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);

- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- **the Public Health Authority;**
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises is situated.

19.8 In relation to vessels, but no other premises, the responsible authorities will also include:-

- the navigation authorities;
- the Environment Agency;
- the British Waterways Board, and;
- the Secretary of State for Transport.

Public Health

19.9 Section 104 of the Police Reform and Social Responsibility Act 2011 amends the 2003 Act so as to include the Local Primary Care Trust (PCT) or Local Health Board (LHB) as a responsible authority. [NEW PARAGRAPH]

19.10 As a responsible authority, the PCT/LHB can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates. In addition, the PCT/LHB may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection. [NEW PARAGRAPH]

19.11 Representations should be evidence based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, the PCT/LHB must ensure representations are relevant to one of the four existing objectives. [NEW PARAGRAPH]

19.12 The consultation must include a copy of the application form, the operating schedule, a plan of the premises and proof that notice of the application has been served on the 'responsible authorities'. If the application involves the supply of alcohol, a form of consent from the individual who is to be specified as the designated premises supervisor must be included.

19.13 As part of the consultation process, the Council may choose to consult with whoever appears appropriate to help it determine the application. Such interested parties may include: Councillors, persons living in the vicinity; bodies representing persons living in that vicinity; individuals involved in businesses in the vicinity; and bodies representing those persons involved in such

businesses. In addition, these groups or organisations may themselves seek comments from others whom they know may wish to be aware of the application. These comments may in turn be passed on to the Council as part of the consultation process.

- 19.14 If no responsible authority makes a representation about an application and no interested party seeks to do so, then no hearing would be required and the application will be granted in the terms sought subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.
- 19.15 Where a representation is made under the terms of the Act by **any person** ~~interested party (for example, a local Councillor, a local business or a resident living in the vicinity of the premises)~~, there will be a preliminary stage at which the Council will consider whether the representation is relevant, and not vexatious or frivolous. If the Council decide it is not relevant, no hearing is required in relation to that representation and in the absence of representations from other ~~interested parties~~ or responsible authorities, the application must be granted. The aggrieved ~~interested party~~ **person** whose representation is not regarded as “relevant” may challenge the licensing authority’s decision by way of judicial review.
- 19.16 Where a representation is lodged by a responsible authority about a proposed operating schedule, the Council’s discretion will be engaged. It is also engaged if ~~an interested party~~ **any person** makes relevant representations to the Council which are not frivolous or vexatious. A hearing will be required at which the disputing parties should be invited to present argument. The need for a hearing can only be dispensed with by the agreement of the Council, the applicant and all of the parties who made relevant representations. The hearing process must meet the requirements of the Regulations made under the Act. The Council will seek to focus the hearing on the steps needed to promote the particular licensing objective which have given rise to the specific conflict and avoid straying into undisputed areas. In determining the application the Council will give appropriate weight to:
- the argument and evidence presented by all parties;
 - the guidance issued by the Secretary of State under Section 182 of the Act;
 - this policy;
 - steps that are necessary to promote the licensing objectives.
- 19.17 The Council will give its determination forthwith with reasons provided to support the determination. After considering all the relevant issues, it will be open to the Council to grant the application subject to such conditions that are consistent with the operating schedule, and these can be modified to such an extent that the Council considers necessary for the promotion of the licensing objectives. Alternatively, the Council may refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

20.0 TEMPORARY EVENT NOTICES

- 20.1 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. Nevertheless, depending on the nature and location of such events, these can have serious crime and disorder **and noise** implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Council to work with them to identify and reduce the risk of crime and disorder **and noise nuisance**.
- 20.2 The Council recommends that at least 28 days notice be given to hold such events, to allow it to help organisers to plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard. ~~The law states that at least 10 working days' notice must be given, but where less time is given this will increase the likelihood of a police objection to the Notice.~~
- 20.3 There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.** [NEW PARAGRAPH]
- 20.4 The most important aspects of the system of temporary event notices are that no permission is required for these events from the Council. In general, only the Police **and Environmental Health** may intervene to prevent such an event or modify the arrangements for such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances, as outlined in the Act, would be exceeded.
- 20.5 Many of those who give temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, those acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funds at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.
- 20.6 In the event of a relevant representation from the Police **and/or Environmental Health to a standard TEN** the Council will hold a hearing not less than 24 hours before the event is due to take place. **There is no right of hearing if an objection is lodged against a late TEN.**

Large Open Air Events

- 20.7 Open air events may range from relatively small local events, like fairs, which may last for four or five days, to major pop festivals lasting one or more days. Despite the temporary duration of such major events, they can attract huge crowds of more than 100,000 people and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. A temporary event likely to attract more than 499 people will require an application for a premises licence and will not be covered by the Temporary Event Notice provisions.
- 20.8 It is recommended that the applicant make an initial approach to the local authority at least 6–9 months prior to the proposed event. This will allow the Council and the Emergency Services sufficient time to assist the organisers to plan their events safely. Many events will give rise to special considerations in respect of public safety and public nuisance. Operating schedules should therefore reflect an awareness of these matters. It is recommended that an application be made at least 3 months prior to the event in accordance with the recommendations of the guidance issued by the Core Cities Group. It is the responsibility of the organisers/promoters to satisfy the Council that they have met the standards outlined in the following relevant documents:
- The Event Safety Guide – A guide to health and safety and welfare at music and similar events (“The Purple Book”) available at <http://www.thepurpleguide.co.uk>
 - Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
 - The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
 - Outdoor Events Model Application Form Document – District Surveyors Association in conjunction with the Core Cities Group. 2002

19.0 PROVISIONAL STATEMENTS

- ~~19.1 Where premises are being constructed for the purposes of being used for one or more licensable activities or are being extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a person may apply for a Provisional Statement if they have an interest in the premises and, if an individual, they are aged 18 years or over.~~
- ~~19.2 Applications for provisional statements will be dealt with in a similar manner as applications for a premise licence.~~
- ~~19.3 If a provisional statement has been issued and the person subsequently applies for a premises licence in respect of the premises, any representations made at the time will not be considered provided that:~~
- ~~• Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same,~~

~~representations about the application but had failed to do so without reasonable excuse~~

- ~~• There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.~~

~~19.4 The licence will not become effective until the start date stipulated by the Council. [REMOVE PARAGRAPH]~~

21.0 COMPLAINTS AGAINST LICENSED PREMISES

21.1 The Council will investigate all complaints against premises licensed by the Council. Complainants will, in the first instance, be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Council will initially endeavour to seek a resolution through informal means.

21.2 All complaints must, in the first instance, be addressed to the Licensing Manager, Licensing Section, Trafford Borough Council, Talbot Road, Stretford, M32 0TH; or via email at: licensing@trafford.gov.uk

21.3 The Council will only investigate complaints under this policy if they relate to one or more of the four licensing objectives.

21.4 Where they consider appropriate, the Council may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

22.0 DELEGATION AND DECISION MAKING

22.1 One of the major principles underlying the Act is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.

22.2 The Council is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State (see Appendix 1).

22.3 The Act itself creates a presumption that applications will be granted unless a representation is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to the appropriate conditions. Where objections are made then the licensing officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a "settlement" is possible to overcome the objections without the need for the matter to go before the Committee or Sub Committee. Only where objections are raised which cannot be settled will matters be referred through to either the Sub Committee or the Full Committee for determination.

- 22.4 Whilst contested licensing applications are quasi judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing and are able to express their views openly and fairly.
- 22.5 The (Sub) Committee will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document.
- 22.6 In determining the application the Licensing Committee or Sub-Committee, will consider:
- (a) The case and evidence presented by all parties;
 - (b) The promotion of the four licensing objectives;
 - (c) Guidance issued by central Government;
 - (d) The Council's own Statement of Licensing Policy.
- 22.7 Where the (Sub) Committee determines that it is appropriate to attach conditions to a licence/certificate it will ensure that those conditions are directed towards preventing or minimising the impact of the activities taking place at the premises concerned on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

23.0 CONSULTATION

- 23.1 In developing this policy the Council has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in section 5(3) and in paragraph 29 of Part 4 of Schedule 8 to the Act:-
- **the chief officer of police**
 - **the fire authority**
 - **representatives of holders of existing licences**
 - **representatives of existing registered clubs**
 - **representatives of the local licensing trade**
 - **representatives of local businesses**
 - **representatives of local residents.**
- 23.2 A full list of all those who were consulted in the development of this policy are listed in Appendix 5.

24.0 MONITORING AND REVIEW

Monitoring

- 24.1 The Police, Fire Authority and other consultees will be encouraged to report to the Council annually on the operation of the licensing function.

24.2 The Council's Licensing Manager will report annually to the Licensing Committee. Reports may include: -

- statistics of the several forms of licences
- a breakdown of the number of licences determined by committee and under delegated powers
- a breakdown of the outcome of any appeals
- a breakdown of licences by reference to their terminal hour
- an outline of enforcement activity undertaken
- the outcome of any prosecutions
- details of any premises closed temporarily
- proposals to amend the licensing policy in the light of experience
- proposals to amend licensing practice in the light of experience
- any comments of the Licensing Forum.

24.3 Additional issues may need to be taken into account by the Licensing Committee when dealing with applications and therefore, the following reports will be brought before the Committee from time to time:

- needs of the local tourist economy;
- cultural strategy for the area;
- employment situation in the area and the need for new investment and employment where appropriate;
- planning considerations which might affect licensed premises.

24.4 The Council will establish a Licensing Forum of interested parties to assist in keeping this policy under review and comment on the development of the policy in the light of emerging perceived needs of the trade and the community. The Forum will also help to ensure the integration of strategies relating to crime prevention, planning, tourism, culture and transport.

Review

24.5 The Act provides a mechanism for reviewing premises licences where problems associated with achieving the licensing objectives occur. However, no more than one review will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.

24.6 Responsible Authorities and/or residents living in the vicinity of the premises can trigger a review of a premises licence but must provide sufficient relevant evidence to the Council to substantiate any allegations.

24.7 The Council will consider requests for a review of an existing premises licence if representations are made from the following:-

- A Responsible Body such as the Police and Fire Authority

- Any person such as a person living or carrying out a business in the vicinity of the premises or an organisation representing them. ~~In this instance vicinity is defined as within 100 metres.~~ [REMOVE]

24.8 The Council must reject any request for a review if the reason does not relate to one or more of the four licensing objectives. The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.

24.9 Requests for reviews will also be rejected if the grounds are, in the opinion of the Head of Regulatory Services, frivolous, vexatious or repetitive. Repetitive grounds are those which are identical to those considered at a previous hearing and where no further relevant evidence is brought to substantiate the request.

24.10 Any review of a licence will take place before the Licensing committee or one of its sub-committees.

25.0 APPEALS

25.1 Where an applicant is aggrieved by any decision or condition, there is a right of appeal. 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 and must be made to the Justices' Chief Executive of the Magistrates' Court.

25.2 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.

25.3 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.

25.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. 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 177.

25.5 As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

26.0 CONTACT DETAILS / ADVICE AND GUIDANCE

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

Licensing Team
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
M32 0TH.

Telephone: 0161 912 4129
Email: licensing@trafford.gov.uk
Website: www.trafford.gov.uk

25.2 The Responsible Authorities detailed in section 19.7 will also be willing to give advice and guidance to applicants. Their contact details are listed in Appendix 2.

APPENDIX 1 Delegated Functions

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection is made	If no objection is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor		If a police objection is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	All other cases
Application to review premises licence/club premises certificate		All cases	

TABLE OF DELEGATED FUNCTIONS (CONT)

Matter to be dealt with	Full Committee	Sub Committee	Officers
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Application for Minor Variation			All cases

APPENDIX 2 Contact details for Responsible Authorities

Environmental Health Team

Regulatory Services
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
M32 0TH
Tel: 0161 912 4916
Email: environmental.heath@trafford.gov.uk

Pollution & Housing Team

Regulatory Services
Trafford Council
Trafford Town hall
Stretford
M32 0TH
Tel: 0161 912 4916
Email: environmental.protection@trafford.gov.uk

Planning Service

Trafford Council
PO Box 96
Sale
Cheshire
Tel: 0161 912 3149
Email: planning@trafford.gov.uk

Safeguarding Children Unit

Children and Young People's Service
Trafford Town Hall
Talbot Road
Stretford
M32 0TH
Tel: 0161 912 4009
Email: isobel.pritchard@trafford.gov.uk

Greater Manchester Police

The Chief Superintendent
Stretford Police Station
Talbot Road
Stretford
M32 0XB
Tel: 0161 856 7869

Greater Manchester Fire and Rescue Service

The Fire Safety Manager
Greater Manchester Fire and Rescue Service
Stretford Fire Station

246 Park Road
Stretford
M32 8RJ
Tel. 0161 608 9210
Email: welton@manchesterfire.gov.uk

Health & Safety Executive – North West Office

Grove House
Skerton Road
Manchester
M16 0RB
Tel: 0161 952 8200

Public Health Authority
Children, Families and Wellbeing Directorate
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
Manchester
M32 0TH
Tel: 0161 912 1936
Email: paula.whittaker@trafford.gov.uk

Environment Agency – North West Office

Appleton House
430 Birchwood Boulevard
Birchwood
Warrington
WA3 7WD
Tel: 08708 506 506

British Waterways Board – North West Office

Trafalgar House
Temple Court
Birchwood
Warrington
WA3 6GD
Tel: 01925 847700

Secretary of State for Transport

Enquiry Service
Department of Transport
Great Minster House
76 Marsham Street
London
SW1P 4DR
Tel: 020 7944 8300

Local Authorities bordering the Trafford Area:

Macclesfield Borough Council

Town Hall
Macclesfield
SK10 1DP
Tel: 01625 504250

Manchester City Council

The Licensing Unit
Room 1012 (Level 1)
Town Hall Extension
Manchester
M60 2LA
Tel: 0161 234 4917/4921

Salford City Council

Licensing Section
Civic Centre
Chorley Road
Swinton
Salford
M27 5DA
Tel: 0161 793 3114/3115

Stockport Borough Council

Environmental Health Section (Public Health Team)
Stopford House
Piccadilly
Stockport
SK1 3XE
Tel: 0161 3XE

Warrington Borough Council

Chief Executive's Department
West Annexe
Town Hall
Warrington
WA1 1UH

APPENDIX 3 Mandatory Conditions

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

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

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol

sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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

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

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

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

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely

closed container) it is available to customers in the following measures:

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

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

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

Definition:

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

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

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

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

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

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

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

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

APPENDIX 4 The Safer Clubbing Checklist for club owners, managers and event promoters

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

Key activities of club owners, managers and event promoters include:

- Communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue
- Developing a constructive working relationship with local authority licensing officers and police officers with licensing responsibilities
- Developing a venue drug policy in consultation with licensing and police officers
- Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully
- Employing door supervisors from a reputable company
- Employing experienced and fully trained first aiders
- Providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent contamination of water by others
- Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers
- Considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team
- Sharing intelligence on drug use and drug dealing with police officers and other local venues
- Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues
- Considering the provision of safe transport home
- Ensuring that all staff are aware of the law and the responsibilities of the club to work within it

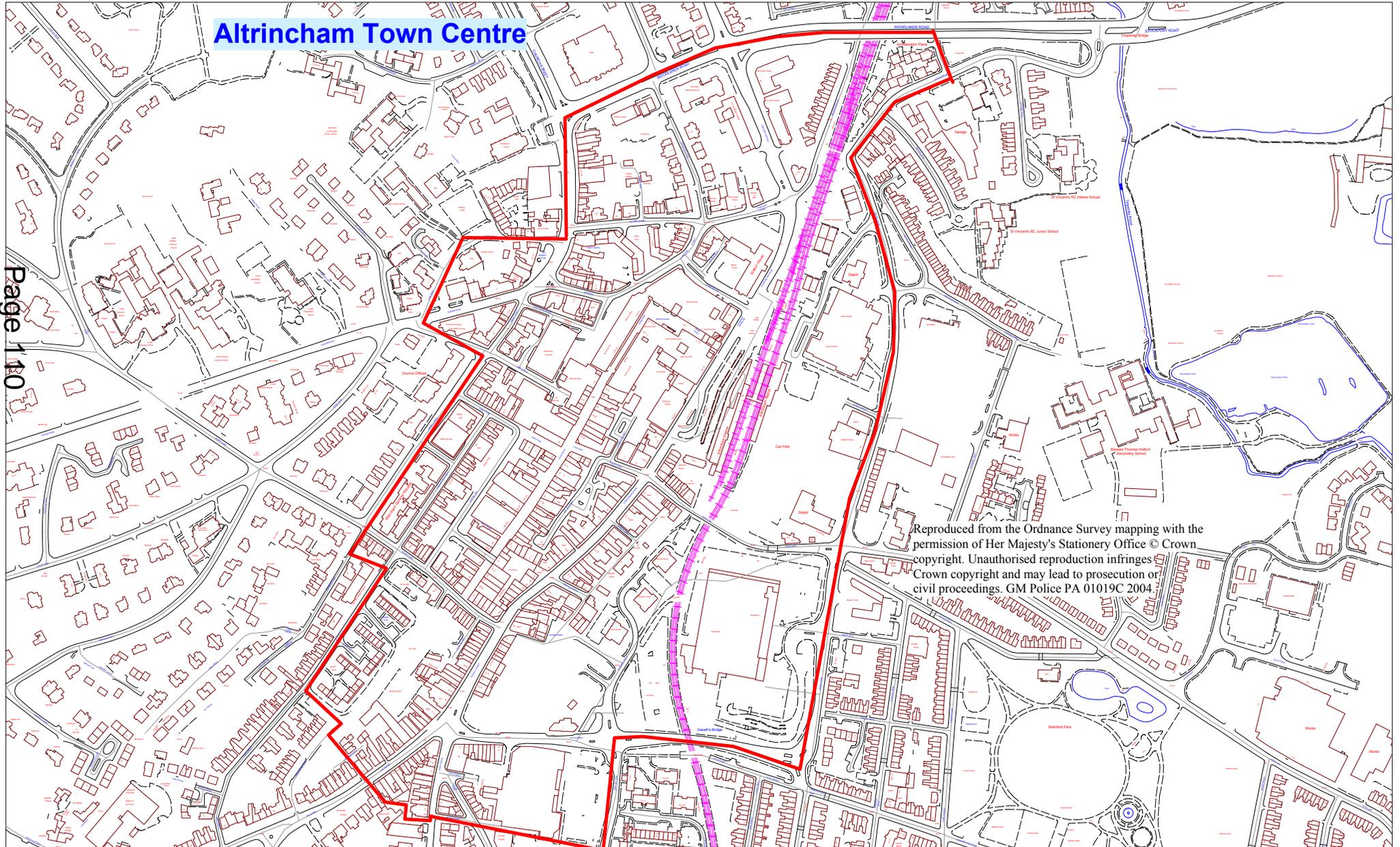
APPENDIX 5 List of Consultees

Aaron & Partners Solicitors
Adam Geoffrey Management
Afzal Khan
All Councillors
Altrincham & Sale Chamber of Commerce
Altrincham Civic Society
Altrincham Football Club
Altrincham Town Centre Partnership
Amblehurst Hotel, Sale
Arts Council – North West
Asda
Association of Convenience Stores
Association of Licensed Multiple Retailers
Association of Town Centre Managers
B&M Stores
Berwin Leighton Paisner Solicitors
Blake Morgan Solicitors
Bond Dickinson Solicitors
Bowdon Club (Cricket, Hockey & Squash)
Britannia Ashley Hotel, Hale
British Beer & Pub Association
British Hospitality Association
British Institute of Innkeeping
British Retail Consortium
British Transport Police
Buddhist Centre
Burger King UK Limited
Campaign for Real Ale
Catholic Church in England & Wales
Church of Christ Stretford
Church of England
Cinemas Exhibitors Association
Co-operative Group Food Limited
Costco Wholesale (UK) Limited
Cresta Court Hotel, Altrincham
DAC Beachcroft Solicitors
Daniel Thwaites plc
David Lloyd Leisure
DWF Solicitors
Enterprise Inns
Environment Agency – North West Office
Equity
Federation of Licensed Victuallers Associations
Filmbank Distributors Limited
Flint Bishop Solicitors
Ford & Warren Solicitors

Freeths Solicitors
Greater Manchester Chamber of Commerce
Greater Manchester Churches Together
Greater Manchester Fire & Rescue Service
Greater Manchester Integrated Support Team, Manchester City Council
Greater Manchester Passenger Transport Executive
Greater Manchester Police
Greene King
Harrison Clark Rickerbys Solicitors
Hydes Brewery Limited
Imperial War Museum North, Trafford Park
InnCourt Licensing Consultants
J D Wetherspoons
J W Lees
Jacqueline Foster MEP
Jamea'h Masjid E Noor
Jewish Representative Council
John Gaunt Solicitors
Joseph Holt Limited
Julie Ward MEP
Kuits Solicitors
L R Law Solicitors
Lancashire County Cricket Club
Licensing Legal Solicitors
Licensing Matters Solicitors
Local Government Association
Lockett & Co Solicitors
Louise Bours
Manchester & District Council of Synagogues
Manchester Airport Marriott Hotel, Hale Barns
Manchester United Football Club
Marks & Spencer plc
Marstons Brewery
Martin & McColls
McDonald's Restaurants Limited
Mitchells & Butler Leisure Retail Limited
Musicians' Union
Napthens Solicitors
National Association of Head Teachers
National Consumer Federation
NCM 2000
North West Waterways – Canal & River Trust
One Stop Stores
Paul Nuttal MEP
Punch Pub Company
Quality Save
Restaurant Association
Safeway Head Office
Sainsbury's plc

Sajjad Karim MEP
Sale Civic Society
Salvation Army – North West
Samuel Smith
Scottish & Newcastle Pub Company (Management) Limited
Secretary of State for Transport
Shoosmiths Solicitors
Somerfield Stores Limited
Spar (UK) Limited
Spirit Group
Steven Woolfe MEP
Tesco Stores Limited
The Magistrates Association
The National Trust
The Trafford Centre Limited
Theresa Griffin MEP
TLT LLP Solicitors
Trafford Arts Association
Trafford Business Venture
Trafford Health Care Trust
Trafford Park Business Forum
Trafford Primary Care Trust
Trethowans Solicitors
Trust Inns
UCI (UK) Limited
UK Theatre Association
United Co-operative Limited
United Reform Church
VUE Cinemas
Ward Hadaway Solicitors
Winckworth Sherwood Solicitors
Wolverhampton & Dudley Breweries plc
Woods Whur Solicitors
<u>Council Consultees</u>
Head of Partnerships & Communities
Strategic Manager Crime & Antisocial Behaviour
Equality & Diversity
Strategic Manager Culture & Sport
Head of Commissioning
Altrincham Forward
Environmental Health Team
Environmental Protection Team
Planning
Safeguarding Children
<u>Bordering Authorities</u>
Manchester City Council
Salford City Council

Warrington Borough Council
Cheshire East Council

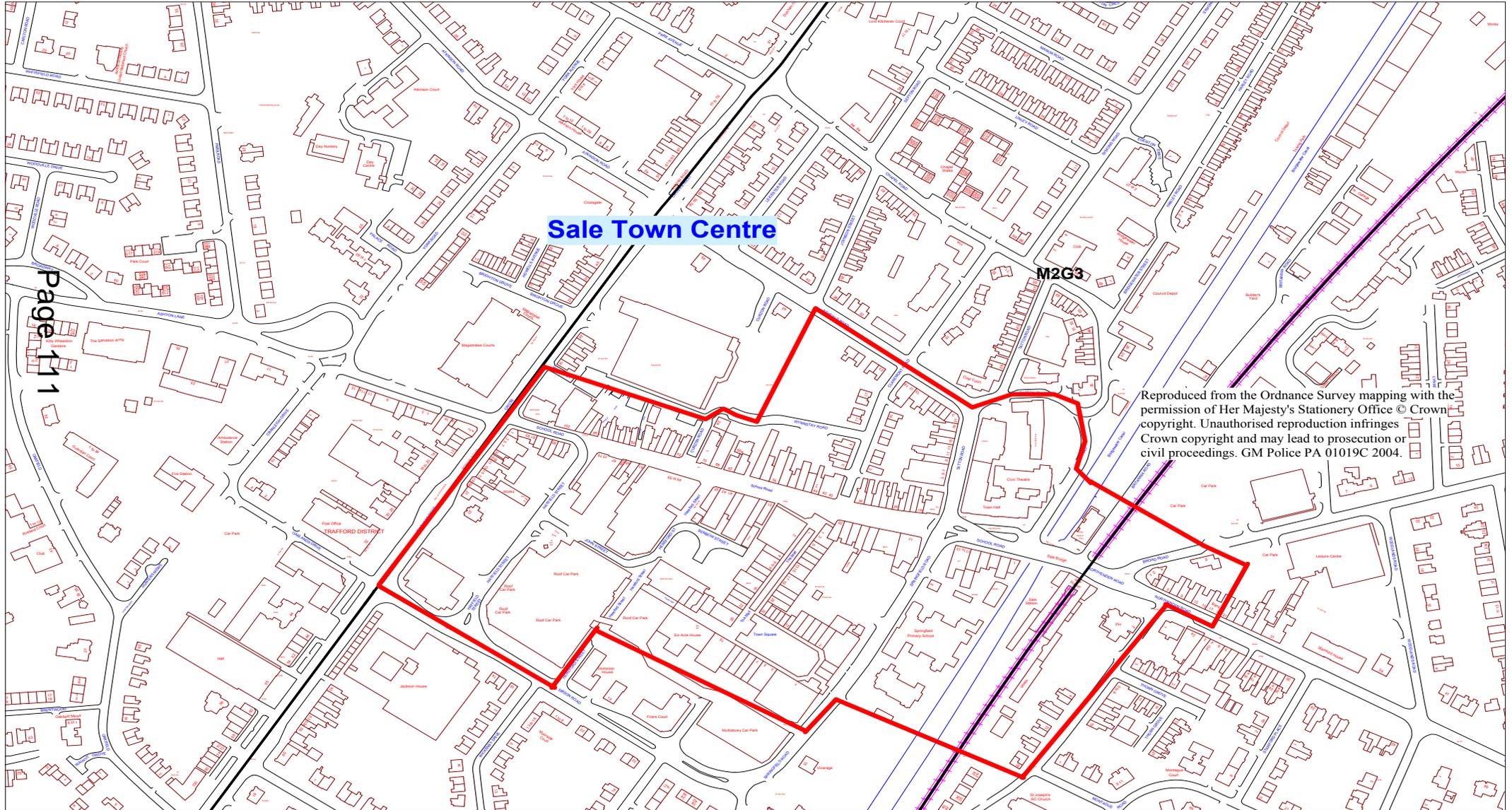


Altrincham Town Centre

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APPENDIX 7

SALE TOWN CENTRE – MAP OF DESIGNATED AREA



Sale Town Centre

M2G3

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TRAFFORD COUNCIL

Report to: Council
Date: 11th November 2015
Report for: Decision
Report of: Corporate Director for Economic Growth,
Environment and Infrastructure

Report Title

Gambling Act 2005 – Statement of Gambling Policy Statement 2016-2019

Summary

The Council is required to prepare, consult on and publish a Statement of Gambling Policy in accordance with the Gambling Act 2005.

The Council is invited to consider the summary of responses received following the statutory consultation.

Recommendation(s)

That the Council adopt the Statement of Gambling Policy as attached at Appendix 2.

Contact person for access to background papers and further information:

Name: Joanne Boyle – Licensing Team Leader
Extension: 4129

Background Papers: None

Relationship to Policy Framework/Corporate Priorities	<i>Having a Policy on how the Council will administer its functions under the Gambling Act 2005 makes the processing of applications more efficient by giving residents, applicants and decision makers clear guidance on what factors will be taken into consideration when making decisions.</i>
Financial	<i>There will be no net additional cost to the Council</i>
Legal Implications:	<i>Section 349 of the Gambling Act requires the Council to publish a Statement of Gambling Policy every three years.</i>
Equality/Diversity Implications	<i>None</i>
Sustainability Implications	<i>None</i>
Staffing/E-Government/Asset Management Implications	<i>None</i>
Risk Management Implications	<i>None</i>
Health and Safety Implications	<i>None</i>

1.0 Background

- 1.1 Under the terms of the Gambling Act 2005 the Council is required to prepare, consult on and publish a statement of principles that it proposes to apply in exercising its functions under the Act, applicable to a three year period. The Council published its last Gambling Policy on the 31st January 2013 and must now review and publish any revisions to its Policy by 31st January 2016.
- 1.2 The Council's Gambling Policy was reviewed to ascertain if it was necessary to update the policy to incorporate either any new guidance from the Gambling Commission; or any significant changes in the local area.

2.0 Revisions

There are no changes proposed to the Policy.

3.0 Other Options

- 3.1 The only alternative option is for the Council not to approve and publish a Statement of Gambling Policy. The consequences of this course of action would be that the Council would not be complying with the requirement of the Gambling Act 2005, and the Council would not be able to effectively carry out any function in respect of applications made under the Act.

4.0 Consultation

- 4.1 The Act requires the licensing authority to consult on its Policy with the police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected. The Policy was consulted on between the 11th May 2015 and the 31st July 2015. A list of those consulted is contained within the Policy Document at Appendix A.
- 4.2 The Council has received one response to the consultation which is attached to this report at Appendix 1 – Summary of Responses.
- 4.3 A copy of the Council’s proposed Gambling Policy for 2016 - 2019, is attached to this report at Appendix 2.
- 4.4 The Policy, if approved, will come into force on **31st January 2016**, and will remain in force for a period not exceeding three years, and will be subject to review and further consultation before **31st January 2019**. The Council will keep the policy under review, making any amendments as it considers appropriate.

5.0 Recommendation.

- 5.1 That the Council adopt the Statement of Gambling Policy as attached at Appendix 2.

Appendices Attached:

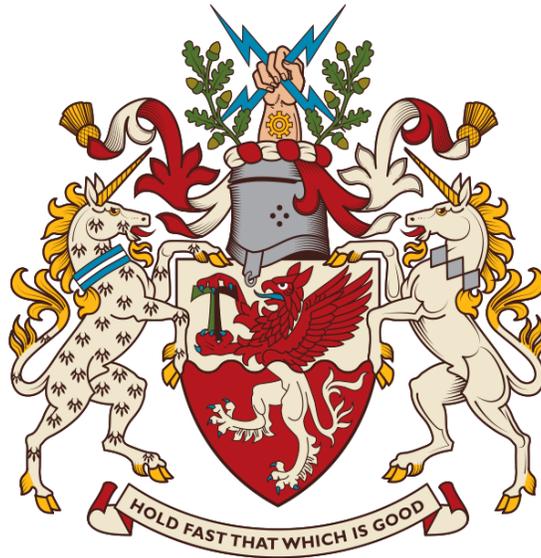
Appendix 1 – Summary of Responses to consultation
Appendix 2 - Draft Licensing Policy – 2016-2019

APPENDIX 1

**GAMBLING POLICY 2016 – 2019
SUMMARY OF RESPONSES TO CONSULTATION**

POLICY	RESPONSES	COUNCIL RESPONSE
	<p><u>Councillor Mike Freeman on behalf of the Labour Group</u></p> <p>Having read through the document there is nothing that gives me any concerns. I suppose my only personal disappointment is that our enforcement role is only confined to compliance with the premises licence and the permissions it authorises but I do understand that the law is clear on this and the role of the Gambling Commission.</p>	

APPENDIX 2



TRAFFORD COUNCIL

GAMBLING POLICY

JANUARY 2016 - 2019

POLICY STATEMENT
Under Section 349 of the Gambling Act 2005

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PART 1

1.0 The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant codes of practice and guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with this statement

2.0 Introduction

2.1 Trafford is one of the 10 Metropolitan Districts of Greater Manchester. Trafford’s population in 2011 was 226,6005 (Source: Census 2011). Trafford occupies an area of 10,608 hectares and comprises Stretford, Sale and Altrincham, together with the former urban districts of Bowdon, Hale and Urmston, and the parishes of Carrington, Warburton, Dunham Massey and Partington.

2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

- 2.3 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005. A full list of those consulted is given at Appendix A.
- 2.4 Our consultation took place between the 11th May 2015 and 31st July 2015.
- 2.5 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 2.6 The policy was approved by the Full Council on the 11th November 2016 and was published via our website. Copies of the policy are available from the Licensing Office, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

3.0 Declaration

- 3.1 In producing the final statement, this licensing authority had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

4.0 Responsible Authorities

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Area Child Protection Committee for this purpose.

4.3 The details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website under Licensing/ A-Z of Licences/ Gambling Premises.

5.0 Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.11 and 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.

5.4 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.5 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an

interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing section.

6.0 Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7.0 Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

7.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This authority has adopted a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

7.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section. Our risk methodology will also be available upon request.

8.0 Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 These functions will be carried out in accordance with the Scheme of Delegation at **Appendix D**.

8.3 It should be noted that local licensing authorities will not be involved in licensing remote gambling, or the determination of applications for operators' or personal licences, at all. This will fall to the Gambling Commission.

PART 2
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9.0 General Principles

- 9.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission ;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing policy.
- 9.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.
- 9.4 **Definition of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. The licensing authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

- 9.5 This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:
- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
 - licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

9.6 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

9.7 Part 7 of the Gambling Commission's guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

9.8 **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance)

- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

9.9 **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

9.10 **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

9.11 **Tracks**

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

9.12 **Bingo Premises**

- No customer must be able to access directly from :
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

9.13 **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

9.14 Part 7 of the Gambling Commission's Guidance to Local Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

9.15 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

9.16 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at the premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

9.17 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.18 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60 – 7.67 of the Guidance.

9.19 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

9.20 **Planning** - The Gambling Commission guidance to Licensing Authorities states:

7.60 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and is not to take into consideration any irrelevant matters, i.e. those not related to gambling and

the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.67 – When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 9.21 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 9.22 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

- 9.23 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an

area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

9.24 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

9.25 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

9.26 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

9.27 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;

- fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 9.28 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 9.29 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 9.30 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 9.31 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 9.32 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 9.33 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
 - conditions in relation to stakes, fees, winning or prizes.
- 9.34 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.
- 9.35 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per Guidance, Part 33).

10.0 Adult Gaming Centres

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 10.2 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11.0 (Licensed) Family Entertainment Centres:

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

12.0 Casinos

12.1 *No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy

statement with details of that resolution. Any such decision will be made by the Full Council.

13.0 Bingo premises

13.1 This licensing authority notes that the Gambling Commission's Guidance states:

13.2 18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

13.3 This authority also notes the Guidance at paragraph 18.-8 regarding the unusual circumstances in which the splitting of pre-existing premises into adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

13.4 18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

14.0 Betting premises

14.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15.0 Tracks

15.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that

entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 15.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.3 The licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement for four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 15.5 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 15.6 *Applications and plans* - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28)

- 15.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29)
- 15.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).
- 15.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).
- 15.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the 'five times rule' (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33)

16.0 Travelling Fairs

- 16.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses

our boundaries is monitored so that the statutory limits are not exceeded. In any event neighbouring authorities will be consulted to ensure best practice and consistency is applied.

17.0 Provisional Statements

17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- They concern matters which could not have been addressed at the provisional statement stage, or
- They reflect a change in the applicant's circumstances.

17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional statement stage;
- Which in the authority's opinion reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

18.0 Reviews:

18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

18.2 The request for review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

18.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks appropriate.

18.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during the 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

18.5 The licensing authority will carry out the review as soon as possible after the 28 day period for making representations has passed.

- 18.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 18.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART 3

Permits / Temporary & Occasional Use Notice

- 19.0 Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**
- 19.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

- 19.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues." (24.6)
- 19.3 An application for a permit will only be granted if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The licensing authority will ask applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - That staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

- 19.4 **Statement of Principles** This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 20.0 **(Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

20.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to have automatic authorisation for two gaming machines of categories C and/or D. The premises merely need to notify the licensing authority and the prescribed fee.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

21.0 Permit: 3 or more machines

21.1 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant.”* This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

21.2 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

21.3 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category

of machines than that applied for. Conditions (other than these) cannot be attached.

- 21.4 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

22.0 Prize Gaming Permits

- 22.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

- 22.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.

- 22.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8 (3)).

- 22.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

23.0 Club Gaming and Club Machines Permits

23.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

23.2 This licensing authority notes that the Gambling Commission's Guidance states:

25.46 The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account of a number of matters as outlined in section 25.4 –25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist.

23.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

23.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 23.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 24.0 Temporary Use Notices**
- 24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 24.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 24.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 24.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance has noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 24.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's guidance to Licensing Authorities.

25.0 Occasional Use Notices:

25.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

26.0 Small Society Lotteries:

This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities

Charities and community groups should contact this licensing authority on 0161 912 4047 for further advice.

APPENDIX A

LIST OF CONSULTEES

General
All Trafford Councillors
Aaron & Partners Solicitors
Afzal Khan Solicitors
Altrincham & Sale Chamber of Commerce
Altrincham Civic Society
Altrincham Forward
Altrincham Town Centre Partnership
Association of British Bookmakers
Astons Turf Accountants
BACTA
Barnardo's
BEDA Ltd
Betfred
Beulah Apostolic Church Stretford
Blake Morgan Solicitors
British Beer & Pub Association
British Casino Association
British Holiday & Home Parks Association
British Hospitality Association
British Institute of Innkeeping
British Retail Consortium
Buckingham Bingo & Social Club
Buckingham Bingo Ltd
Buddhist Centre
Casino Operators Association of the UK
Church of England
Citizen's Advice
Daniel Thwaites plc
Done Brothers (Cash & Betting) Ltd
Enterprise Inns
Equity
Ford & Warren Solicitors
Gala Coral Group Ltd
Gamblers Anonymous
Gambling Commission

Gamcare
Gamestec Leisure Ltd
George Bet Centres Ltd
Greater Manchester Chamber of Commerce
Greater Manchester Churches Together
Greene King
HM Customs & Excise
Hydes Brewery Ltd
J D Wetherspoons
J W Lees
Jewish Representative Council
John Gaunt Solicitors
Joseph Holt Ltd
Kuits Solicitors
Ladbrokes
Licensing Matters Solicitors
Local Government Association
Lockett & Co Solicitors
Marstons Brewery
Martin & McColls
Mecca Bingo Club
MENCAP
Mitchells & Butler Leisure Retail Ltd
National Casino Forum
Punch Pub Company
Reel Leisure Ltd
Remote Gambling Association
Responsibility in Gambling Trust
Sale Civic Society
Salvation Army – North West
Samuel Smith
Spirit Group
The Bingo Association
The Bingo Association
The Children's Society
The Lotteries Council
The Rank Group Plc
The Trafford Centre
TOTE
Totesport
Trafford Magistrates' Court
Trethowans Solicitors

Trust Inns
United Reform Church
Urmston Unitarian Church
William Hill
Winckworth Sherwood Solicitors
Woods Whur Solicitors
Working Men's Club and Institute Union
Council Officers
Trafford Council – Head of Partnerships & Communities
Trafford Council – Strategic Manager – Crime & Anti-Social Behaviour
Trafford Council – Equality & Diversity Team
Trafford Council – Strategic Manager – Culture & Sport
Trafford Council – Head of Commissioning
Trafford Council – Environmental Health Team
Trafford Council – Environmental Pollution Team
Trafford Council – Planning
Trafford Council – Safeguarding Team
Responsible Authorities
Chief Constable Greater Manchester Police
Greater Manchester Fire & Rescue Service
Bordering Local Authorities
Manchester City Council
Salford City Council
Cheshire East Council
Warrington Borough Council

APPENDIX B

RESPONSIBLE AUTHORITIES

Section 157 of the Gambling Act 2005 relates to who has been defined as a responsible authority

1. The licensing authority in whose area the premises are wholly or partly situated
2. The Gambling Commission
3. Chief Officer of Police
4. Fire and Rescue Authority
5. Planning Authority
6. Children's Services Department
7. Environmental Health (Pollution Control)
8. HM Customs
9. Any other person prescribed by the purposes of this section by regulations made by the Secretary of State.

APPENDIX C

SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X

Decision to give a counter notice to a temporary use notice		X	
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TRAFFORD COUNCIL

Report to: Council
Date: 11 November 2015
Report for: Information
Report of: Executive Member for Transformation and Resources

Report Title

Year End Corporate Report on Health and Safety – 1 April 2014 to 31 March 2015

Summary

1. To provide information on council wide health and safety performance and trends in workplace accidents.
2. To provide a summary of other key developments in health and safety for the period 1st April 2014 to 31st March 2015.

Recommendations

1. That the report is noted.

Contact person for access to background papers and further information:

Name: Richard Fontana – Health & Safety Manager
 Extension: 4919

Background Papers: NONE

Relationship to Policy Framework/Corporate Priorities	The Council's approach to managing health and safety at work is set out in the Corporate Health and Safety Policy. This includes the arrangements for ensuring the health, safety and welfare of employees and reporting on performance.
Financial	There are no foreseeable financial implications arising out of this report.
Legal Implications:	The programme of audits carried out by the Health and Safety Unit in the past year, together with on-going policy/guidance developments and training provision are designed to continually improve compliance with health and safety legislation.
Equality/Diversity Implications	None
Sustainability Implications	None
Resource Implications e.g. Staffing / ICT / Assets	None
Risk Management Implications	The total number of accidents to staff this year has increased slightly; however, this still presents minimal levels of risk to the Council in terms of civil claims. The number of injuries reportable to

	the HSE (RIDDOR reportable) has remained stable.
Health & Wellbeing Implications	Improving the health and safety of staff contributes towards the Corporate objectives relating to Health and Wellbeing. RIDDOR reportable injuries are monitored in respect to the impact on sickness absence levels.
Health and Safety Implications	See Legal section above. The continuing auditing and monitoring arrangements combined with the mechanisms for the provision of advice and guidance are all focused on sensible and targeted risk management.

1. Introduction

The Council is committed to high standards in health, safety and wellbeing for all staff, visitors, contractors, Elected Members and others who may be affected by our activities. The Council accepts that reducing risks in the workplace reduces costs and that good health and safety is good business.

This report covers the period from 1 April 2014 to 31 March 2015. It identifies the key performance indicators that have been introduced to monitor health and safety performance across the organisation and highlights both proactive and reactive activities undertaken by the Health and Safety Unit (HSU) throughout that period.

In addition to this report, separate detailed reports on Directorate performance will be provided to the relevant Corporate Directors and local Joint Consultative Committees.

2. Monitoring Statutory Compliance

2.1 Health and Safety Audits in Council Directorates and Schools

The purpose of the audits is to monitor statutory compliance and to identify areas of risk to the Council. A three-year rolling audit programme is in place, which is regularly reviewed. Health and safety compliance rates for the 1 April 2014–31 March 2015 period range between 99% and 61%.

The next series of audits has already been scheduled. Any services deemed ‘high risk’ and areas achieving less than 70% compliance, will receive a follow up monitoring visit. This process should lead to further improvements across the organisation, by highlighting what is being done well and where further improvements are needed.

Following all audits, the Health and Safety Adviser provides a summary of the findings and an action plan with priority timescales to address areas of non-compliance.

In 2014-15, 50 audits were undertaken across the organisation. Services and schools are given an overall compliance score and a rating of excellent, good, fair or poor.

Schools and Services achieving 'excellent' compliance rates

40% achieved an excellent score (between 91-100% compliance) as listed below:

Schools	Full Health and Safety Audit	4
	Premises Audit	13
	Risk Assessment Audit	1
	Sports and PE Audit	1
EGEI	Full Health and Safety Audit	1
Total		20

Schools and Services achieving 'fair or poor' compliance rates

There were no establishments that achieved a poor score (between 0-35% compliance) and 8% of establishments achieved a fair score (between 36 and 70% compliance). Those audit scores all ranged between 61-68% compliance and further details are listed in the table below:

Service	Name	Score	Main areas for development
CFW	Youth Offending Service	64%	<ul style="list-style-type: none"> Improved monitoring of work activities and risk assessments. Improved management of risks for driving at work.
Educational Premises	Stretford High School	68%	<ul style="list-style-type: none"> Improved management of risks for lone working, working at height and display screen equipment.
	St Hildas CE Primary School	67%	<ul style="list-style-type: none"> Review of the fire safety risks assessment and recording of inspections and tests. Review of risk assessments and instruction/training for the site manager.
	Trafford Medical Education Service	61%	<ul style="list-style-type: none"> Improved management of risks for driving at work, control of contractors and display screen equipment.

All the services and community schools achieving less than 70% compliance will be prioritised and additional monitoring visits scheduled throughout the 2015 Audit programme.

The remainder of establishments achieved a good score of between 71 – 90% compliance.

3. Accident Statistics

This report provides a direct comparison of the total number of accidents that occurred between 2012-13, 2013-14 and 2014-15 only. Previous years' figures are not directly comparable due to changes in accident reporting arrangements for non-maintained schools in line with statutory requirements. Pre-2010, all schools were included in the council-wide accident statistics, whereas now, only maintained schools (where the Council is the employer) are included in the statistics.

Appendix 1 provides details of the accident statistics broken down by Directorate and Service Area for the period 1 April 2014 to 31 March 2015. A summary of the findings is detailed below.

The overall total number of accidents involving staff reported to the HSU has increased by 18%, with 231 accidents reported in 2014-15, compared to 196 accidents in 2013-14 (see

Table 1 below). The overall rate of accidents has also increased, up from 3.29 per hundred employees in 2013-14 to 4.02 per hundred.

Much of this increase can be accounted for by a rise in the number of violence and aggression incidents involving one service user who has a learning disability (see section 3.2.1 for more details). Another increase of note relates to accidents involving objects, although there are no significant trends for these incidents in terms of their cause or location.

It should be noted that whilst the number of accidents has increased in 2014-15, there is still a general trend of a reduction in incidents since 2009-10.

Table 1: Overall number and rate of accidents to staff

Indicators - Year End Results	2009-10	*2010-11	2011-12	2012-13	2013-14	2014-15
Total number of accidents to employees (as reported to the HSU)	259	217	174	238	196	*231
Overall rate of accidents to employees/100 employees	3.5	3.5	3.0	4.05	3.29	4.02

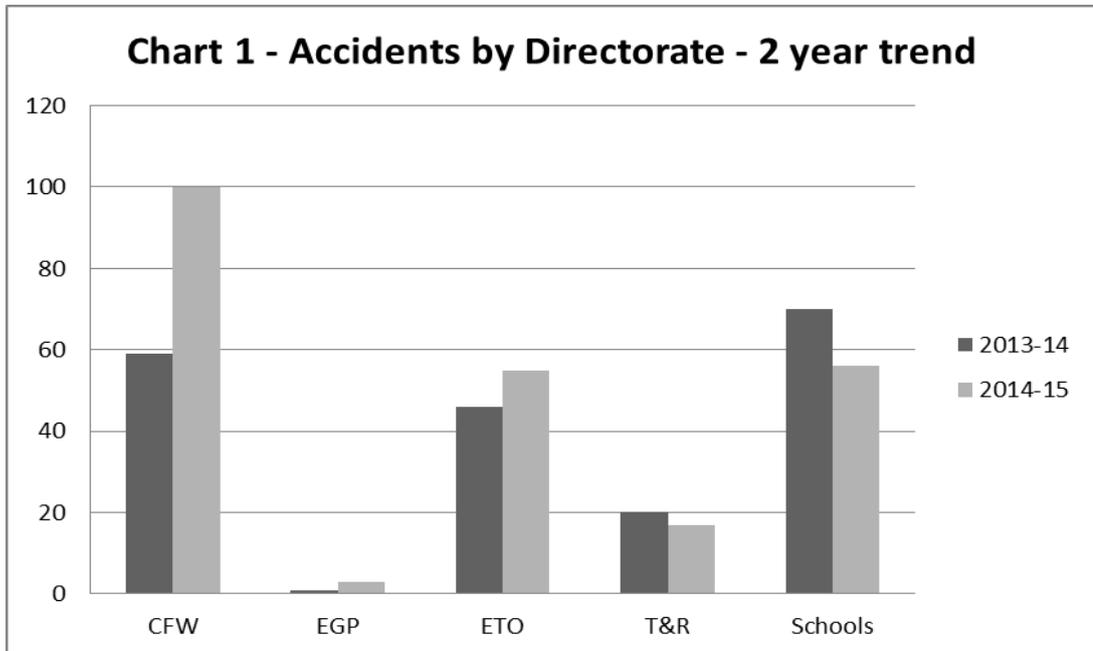
Rate based on number of staff at 1 April at the start of each reporting period.

**Please note that of these 231 accidents, there were 38 incidents of violence and aggression, which related to one service user. These all took place between April and September 2014 and none have occurred since this date. When these are taken out of the total, there were 193 accidents, which is a stable position when compared to 2013-14.*

3.1 Numbers of Accidents by Directorate

Compared to 2013-14, the total number of reported accidents has increased within Children Families and Wellbeing (CFW) and Economic Growth, Environment and Infrastructure (EGEI) There was a decrease in reported accidents in Transformation and Resources (T&R) and within community schools (see Chart 1 below)

Analysis by service area (see Appendix 1) shows that a few service areas account for a large proportion of the reported accidents in each Directorate. These are generally the areas where we would expect higher numbers of accidents, due to the nature of the work undertaken in these services. Patterns at service level will be reviewed and reported on in more detail in separate Directorate Health and Safety reports.



3.1.1 Children, Families and Wellbeing (CFW)

The overall number of accidents reported in CFW has risen by 69% (from 59 to 100). Sixty-five of the 100 reported accidents can be accounted for by an increase in occurrences of violence and aggression (38 of these involving the same service user as reported in the six month report for April-September 2014).

The rate of accidents in CFW in 2014-15 is 5.98 per hundred employees, compared to 3.27 in the same period of 2013-4.

3.1.2 Economic Growth Environment and Infrastructure (EGEI)

The overall number of reported accidents in services under EGEI has increased by 19% from 47 to 58. There was an increase in road traffic accidents (involving Groundforce Officers) which are up by 4 this year and an additional 4 reported slips and trips involving Catering staff. The increase will be explored further in the Directorate report. The rate of reported accidents under EGEI is 4.35 per hundred employees compared to 3.43 per hundred employees for those services in 2013-14.

3.1.3 Transformation and Resources (T&R)

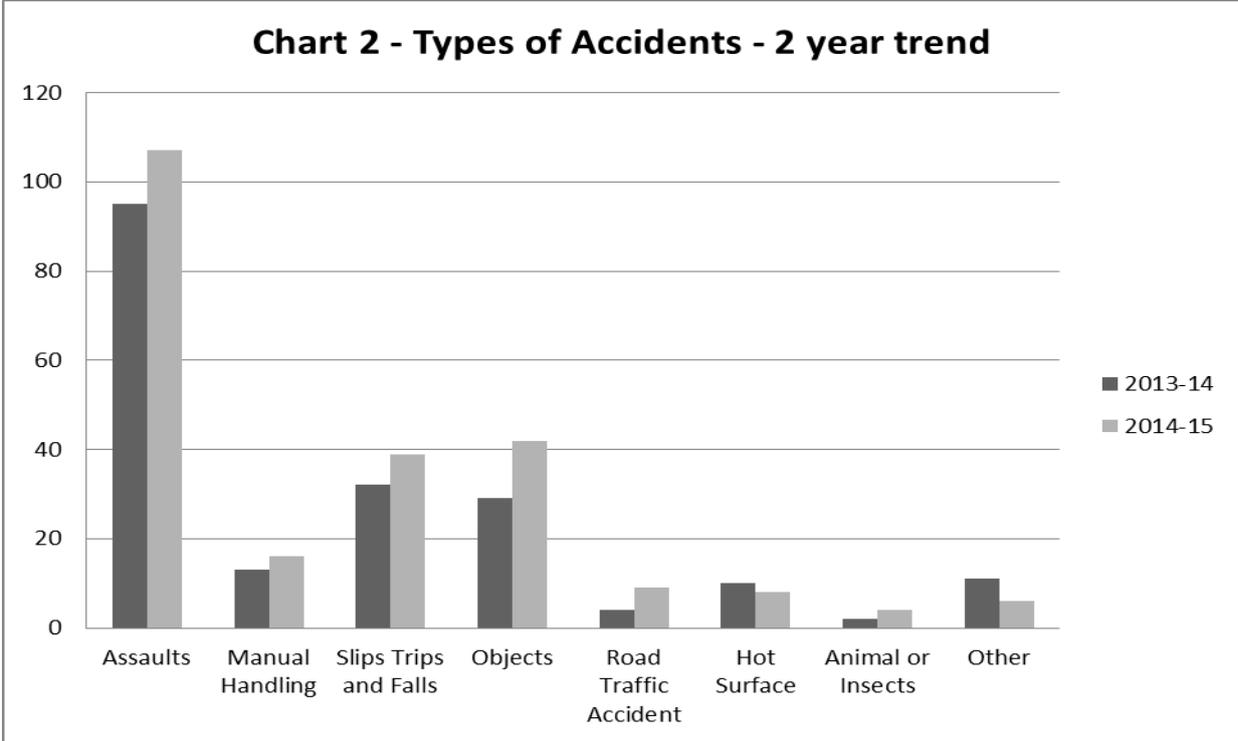
The overall number of accidents reported in Transformation and Resources (T&R) has decreased by 15% (from 20 to 17). The rate of reported accidents in T&R is 2.74 accidents per hundred employees, compared to 3.1 accidents per hundred employees in 2013-14.

3.1.4 Maintained Schools

The overall number of accidents reported by maintained schools has decreased by 20%, down from 70 to 56. The rate of reported accidents in schools is 2.63 per hundred employees, compared to 3.27 per hundred employees in 2013-14.

3.2 Types of Accidents

Chart 2 below, shows a summary of the main types of accidents, compared to the same period in 2013-14. Appendices 2 and 3 show a detailed breakdown of the types of accidents and a breakdown for each Directorate and service area.



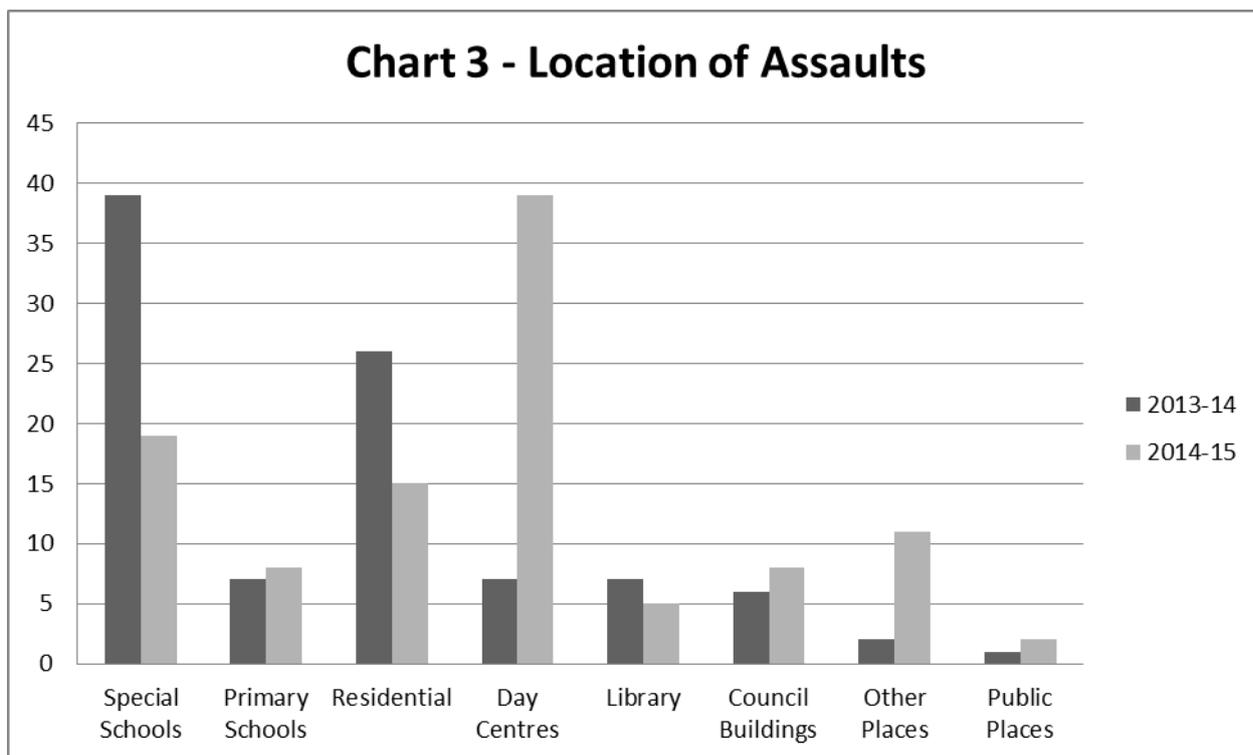
3.2.1 Violence and Aggression

There has been a 13% increase in the number of reported assaults (from 95 in 2013-14 to 107 in 2014-15). The majority of assaults were physical (86 compared to 75 last year). The number of reported threats of assault or intimidation has remained static with 21 reported compared to 20 last year. One incident was reported to the HSE under the Reporting of Incidents, Diseases and Dangerous Occurrence Regulations (RIDDOR).

The number of reported incidents against staff is subject to a wide degree of fluctuation year on year, as it is very sensitive to issues in managing individual service users and pupils’ behaviour within social care and special school settings. The general trend is that these fluctuations relate to one or two service users or pupils.

It should be noted that 38 of the 107 incidents involved the same service user who has a learning disability as reported in the six month report (April to September 2014). In the six month report, it was noted the service user had transferred to an external provider in October 2014. The provider knows the service user and specialises in accessing community activities. The service user’s Social Worker has reported that the service user has settled in very well and is engaging with the activities that they have been used to, as well as engaging in some new activities. To date, there have been no further incidents reported by the provider.

A high proportion of the reported assaults came from services dealing with adults or children displaying challenging behaviour (see Chart 3 below).



Within Special Schools, there has been a 51% decrease in the number of incidents reported (from 39 to 19) and within Primary Schools the number remains static with 8 reported compared to 7 last year.

There has been a 29% decrease in the number of incidents reported within libraries (from 7 to 5). There has been a slight increase in the number of incidents at other Council buildings from 6 to 8. Of those, 3 incidents occurred at Trafford Town Hall, 4 at Sale Waterside and one at Altrincham Children’s Centre. The incidents have included verbal threats or inappropriate behaviour over the telephone, aggressive behaviour by service users to Council staff within premises and aggressive behaviour to an employee driving a council vehicle from another driver. Of particular note were three incidents of violent and aggressive behaviour by service users arriving unannounced at premises. Arrangements and training for staff can assist them in effectively responding to such incidents to manage the risks of violence and post event support should also be considered. At Sale Waterside, a security guard has recently been appointed by Cofely and Customer Services staff have advised there have been no incidents reported since the appointment.

In ‘other places’, there has been an increase in the number of incidents from 2 to 11. The majority (7) of the incidents occurred in service user’s homes, whilst social care staff were providing assistance to service users. Other incidents involving staff occurred at non-Council premises, such as Manchester City Council and commercial properties.

All incidents involving violence and aggression will continue to be monitored by the HSU, together with the service to ensure appropriate strategies are in place to minimise the risk of further incidents.

3.2.2 Objects

The second common cause of accidents involves objects. There has been a 49% increase in the total number reported (42 compared to 29). The category includes being struck by objects, striking against objects, stepping or kneeling on objects and contact with a sharp object. These occurred in a variety of settings and services.

3.2.3 Slips, Trips and Falls

Slips, trips and falls are the third common cause of accident, with 39 reported compared to 32 last year (an increase of 22%).

There were a total of 6 incidents involving slips, trips and falls reportable under RIDDOR. The majority (4 out of 6) resulted in injuries causing over 7 days absence.

A few slips occurred at the entrance to Urmston Library, which were investigated further by the HSU using a slip assessment tool and remedial action was recommended.

3.3 Rate of Reportable Injuries to Staff

From the overall number of accidents / incidents (231), the number of incidents reportable to the HSE under the Reporting of Diseases and Dangerous Occurrence Regulations (RIDDOR) has remained stable with 14 reported compared to 13 last year (an increase of 8%). This is shown in Table 2 below:

Table 2: Rate of reportable injuries to staff

Local performance indicator-	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Total Number of reportable accidents	24	18	19	18	9	13	14
Target for rate of reportable accidents/100 employees	0.40	0.38	0.36	0.34	0.32	0.30	0.28
Actual rate of reportable accidents/100 employees	0.32	0.24	0.31	0.31	0.15	0.21	0.24

The rate of reportable injuries per hundred employees has increased from 0.21 to 0.24. The overall accident rate remains below the performance indicator target for this year of 0.28 accidents per hundred employees.

4. Performance against 2014-15 Corporate and HSU Team Health and Safety Plan

Key actions that were contained within the Corporate Health and Safety Improvement Plan for 2014-15 included:

- Review Control of Substances Hazardous to Health Guidance.
- Review Moving and Handling of People Guidance.
- Review Monitoring Health and Safety Guidance.
- Review Risk Assessment Guidance.
- Review Selection and Monitoring of Contractors Guidance.
- Provision of health and safety training, including a calendar of training.

In line with the HSU rolling programme of policy/guidance review, all the above have been refreshed.

In addition, the HSU has developed the following specific arrangements and guidance for community schools and non-community schools who purchase the Health and Safety SLA:

- Control of Substances Hazardous to Health.
- Display Screen Equipment.
- First Aid and Work.
- Lone Working.
- Monitoring Health and Safety.
- Moving and Handling of Pupils.
- Risk Assessment, including reviewing the example risk assessments for schools.
- Selection and Monitoring of Contractors.

5. Training

The HSU has continued to work with the Learning and Development Team to ensure that a calendar of training is in place across the organisation. In addition, the Team has provided dedicated training sessions to in house Trafford employees, community schools and other schools purchasing the Health and Safety SLA. Courses have recently been provided in risk assessment, safe use of ladders, managing work at height, first aid and the moving and handling of people and loads. The table below details the nature, number of courses and number of attendees throughout the reporting period.

Course	Number of Courses	Number Attended
Health and Safety for Site Managers and Caretakers (Schools)	3	33
Emergency First Aid at Work	6	53
Fire and Security Training for Headteachers	1	5
Fire and Security Training for Site Managers and Caretakers (Schools)	1	10
First Aid at Work	3	27
First Aid at Work Refresher	2	17
Managing the Risk of Public Events	1	4
Moving and Handling Induction (Adult Services)	1	4
Moving and Handling Update (Adult Services)	34	226
Moving and Handling Induction (Children Services)	4	15
Moving and Handling Update (Children Services)	5	47
Moving and Handling (Objects) Update	17	312
Moving and Handling for Site Managers and Caretakers (Schools)	1	5
Moving and Handling (Special Schools)	3	30
Moving and Handling Ceiling Track	1	5
Moving and Handling for TTP Staff	13	105
Risk Assessment (Corporate)	1	7
Risk Assessment (Schools)	3	24
Managing Work at Height	6	53
Work at Height Training (Ladders)	1	19

6. Additional Planned Health and Safety Activity

The information below outlines the 2015–16 planned activity.

- Introduce Driving at Work Policy and Guidance.
- Review Manual Handling (Object) Guidance.
- Review Work at Height Guidance.
- Review Managing Health and Safety in Construction Work Guidance for Schools.
- Review Control of Contractors Guidance.
- Review Fire Safety Guidance.
- Review Homeworking Guidance.
- Produce Young Persons Guidance.
- Review Pregnant Workers Guidance.

- Review First Aid Provision in the council.
- Revised SLA provision for schools.
- Review Health and Safety Management System Audit Tools.
- Develop additional topic audits, i.e. Fire Safety Audit, Design and Technology Audit for schools.
- Merge information from Fronter onto Trafford's Services for Education portal.

7. Legislative Changes

The Construction, Design and Management (CDM) Regulations 2015 came into force on the 6 April 2015.

The most significant change to the Regulations is that the CDM Co-ordinator role has been revoked. A new role of Principal Designer has been introduced, which can either be an organisation or individual who manages the pre-construction phase of a project. In addition, where there is, or likely to be, more than one contractor on site the 'client' must appoint a Principal Designer and a Principal Contractor for the project.

The Council's Asset Management Provider (Amey) will be responsible for providing assistance to ensure the Council complies with its 'client' responsibilities within the CDM Regulations and other related legislation, such as Asbestos.

8. Key Achievements and Added Value

8.1 Audit Programme

The planned HSU audit and inspection programme was successfully completed by March 2015.

8.2 SLA buy-back

73% of schools purchased the Health and Safety SLA and associated 'pay as you go' provision – generating additional income for the Council.

8.3 Legislative changes and HSE Guidance

Legislative changes and HSE guidance has been incorporated into Corporate and School specific Policy, Arrangements and Procedures.

8.4 Display Screen Equipment (DSE) Assessments

A total of 32 DSE (computer) workstation assessments have been carried out by the HSU for employees reporting health related issues, including two specialist assessments by the Council's Moving and Handling/Ergonomic Consultant. Following an assessment, a report of the findings and recommendations are provided to the employee's line manager for implementation.

8.5 Fire Risk Assessments

Fire risk assessments have been provided to Council premises, including schools.

8.6 Event Applications

The HSU has reviewed a total of 98 event applications; following Council approval these community events take place at numerous locations across Trafford.

8.7 Procurement Evaluations

A total of 4 procurement evaluations of the health and safety documentation submitted by contractors and service providers applying for tenders or framework agreements have been carried out.

8.8 First Aid Contract

The first aid training contracts have been evaluated and renewed this year with three companies being awarded contracts. These are:

- Emergency First Aid at Work was awarded to Eduk8 Partnership.
- First Aid at Work Certification was awarded to The Training Company.
- First Aid at Work Renewal Certification awarded to Manchester College.

8.9 Moving and Handling Assessments

The table below details the number of 'complex' moving and handling assessments carried out by the Council's Moving and Handling Lead and Consultant. The assessments carried out are mainly in relation to service users within CFW and pupils within schools who require assistance with a moving and handling task. The Consultant has also carried out two DSE assessments for employees who have complex health related issues.

Service Area	Number of Moving and Handling Referrals (complex cases)
CFW Adult Services	65
CFW Children's Services	5
Schools	13
Direct Payments	3
DSE Workstation Assessments	2
Vocational Rehabilitation	1
TOTAL	89

9. Key Health and Safety Data

Key data for reference is provided in the tables set out in Appendices 1, 2 and 3.

10. Conclusion

The programme of audits carried out by the Health and Safety Unit in the past year, together with on-going policy developments and training arrangements are likely to mean increased compliance with health and safety legislation.

The total number of accidents to staff this year indicates minimal levels of risk to the Council in terms of civil claims.

Corporate Accident Statistics 2014-15

Appendix 1: Numbers of accidents by Directorate and Service Area

Directorate	Service Area	No of incidents
Children, Families and Wellbeing	Assessment and Care Management	2
	Education, Health and Care Commissioning	2
	Provider Services	78
	Services For Children Young People and Families	18
Total CFW		100
Economic Growth Environment and Infrastructure	Asset Management	2
	Planning Services	1
	Highways Bridges and Structures	2
	Public Protection	4
	Strategic Business Unit	48
	Waste Management	1
Total EGEI		58
Schools	Special Schools	37
	Primary Schools	19
Total Schools		56
Transformation and Resources	Communications	1
	Customer Services	11
	Human Resources	2
	STaR Procurement	1
	Legal and Democratic Services	1
	Transformation	1
Total T&R		17
Grand Total		231

Appendix 2: Type of accident 2008- 2015

Accident Type	2008-9	2010-11	2011-12	2012-13	2013-14	2014-15
Assaults						
Physical Assault	137	76	45	116	75	86
Assault, Threats or Intimidation (previously Verbal Assault)	20	1	15	23	20	21
Total Assaults	157	77	60	139	95	107
Manual handling (lifting, moving, manoeuvring etc.)						
Manual handling	41	28	14	17	13	16
Slips, Trips and Falls						
Slipped, tripped or fell on same level (new category 12-13)	N/a	N/a	N/a	28	24	33
Slip on the same level	43	30	34	N/a	N/a	N/A
Fall down steps/stairs	4	4	4	3	7	3
Trip	10	9	0	N/a	N/a	N/A
Fall from height	1	3	1	1	1	3
Total Slips, Trips and Falls	58	46	39	32	32	39
Incidents involving objects						
Hit by moving vehicle (new category 14-15)	N/A	N/A	N/A	N/A	N/A	1
Hit by a moving, Flying or falling object	17	12	15	12	18	19
Striking against object/hit something fixed or stationary	15	10	9	9	5	10
Cut by a sharp object	6	8	6	5	5	9
Stepping / Kneeling on Object	0	0	0	0	1	3
Total Objects	38	30	30	26	29	42
Others						
Contact with a moving person (new category 12-13)	N/a	N/a	N/a	1	2	2
Other	15	5	9	4	7	3
Road Traffic Accident	11	16	7	4	4	9
Animal/Insect	5	2	6	3	2	4
Hot surface/substance	10	10	3	7	10	8
Trapped	2	2	3	1	1	0
Exposed to, or in Contact With, a Harmful Substance	0	0	2	0	0	1
Electricity	0	0	1	1	0	0
Plant & machinery (including hand and power tools)	0	2	0	2	1	0
Sports Injury	1	0	0	1	0	0
Total Others	44	37	31	24	27	27
Overall Total	338	218	174	238	196	231

Appendix 3: Type of accident by Directorate 2014-15

Type of accident	CFW	EGEI	T&R	Schools	Total
Animal/insect	3	1	0	0	4
Assault threats or intimidation	7	5	8	1	21
Physically assaulted by a person	58	1	0	27	86
Contact with a moving person	1	0	0	1	2
Cut by a sharp object	0	7	0	2	9
Exposed to, or in contact with, a harmful substance	0	1	0	0	1
Fall down steps/stairs	1	0	1	1	3
Fall from height	1	1	0	1	3
Hit by a moving, flying or falling object	5	5	1	8	19
Hit by moving vehicle	0	0	0	1	1
Hit something fixed or stationary	0	2	0	2	4
Hot surface/substance	2	6	0	0	8
Manual handling(lifting, moving, manoeuvring)	2	10	1	3	16
Other	1	1	0	1	3
Road traffic accident	5	4	0	0	9
Slipped, tripped or fell on same level	10	10	5	8	33
Stepping/kneeling on object	1	2	0	0	3
Striking against object	3	2	1	0	6
Totals	100	58	17	56	231