

## Table of Contents

1. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the prevention of public nuisance? - Public Nuisance .....	2
2. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting public safety ? - Public Safety .....	3
3. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the protection of children from harm? - Child protection .....	4
4. Do you think the draft Trafford Council Statement of Licensing Policy 2021-2026 strikes the right balance between allowing licensed premises to operate / invest and ensuring that the community and the four licensing objectives are protected ? - 4 Licensing Obj met .....	6
5. Will the Cumulative Impact Zones in the Policy for both Altrincham & Sale Town Centre’s help promote the four licensing objectives ? - CIZones additional .....	7
6. Do you have any final comments about the draft Trafford Council Statement of Licensing Policy 2021-2026, the existing Cumulative Impact Areas or the suggested Model Conditions? - CIA additional comments .....	8
7. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the prevention of public nuisance? - Public Nuisance .....	9

## 1. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the prevention of public nuisance? - Public Nuisance

An individual commented: *Covid is going to change lots of things. There needs to be greater recognition that there is a greater pressure to take licensable activities outdoors.*

An individual commented: *Enforcement remains the missing link. As with the previous PSPO, a lack of enforcement by agencies (with reduced resources) was always the main issue. If action and enforcement is not undertaken, the PSPO has little value to the local community.*

### Response

COVID-19 certainly offers further challenges in striking the balance between a thriving town centre and measures around preventing public nuisance. The government has introduced a new fast track pavement licence application process, which will allow premises to extend their area on the high street and in town centre locations. Trafford Council has taken the decision to not charge for this application to support local businesses. This new dynamic will continue to be monitored by Trafford Councils collective teams in Regulatory Services.

The PSPO has been separately consulted on; this Statement of Licensing Policy has included measures to support the PSPO including a 'reduce the strength' scheme and pool of model conditions.

In the new model conditions, the following conditions have been presented (conditions can only be endorsed on a premises licence if appropriate to do so):

### **Off Licences and reducing nuisance associated to illegal street drinking (Public Spaces Protection Order)**

48. No sale of single cans of beer, lager or cider.

49. The premises will not sell any beer, lager, or cider that is equal to or greater than 6% ABV. For the avoidance of doubt, this does not include specialist products from craft microbreweries or limited edition / seasonal products (e.g. Christmas gift packs), subject to Police and Licensing Authority discretion.

50. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

## **2. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting public safety ? - Public Safety**

An individual commented: *Perhaps include a wider summary in relation to the impact/costs of litter, ASB, public order etc...*

### **Response**

The Licensing Objective of Public Safety does not relate to litter, ASB or Public Order. Under the Licensing Act 2003, Public Safety is more focused on fire safety measures or health and safety measures for persons attending/working at the premises.

### **3. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the protection of children from harm? - Child protection**

Cllr for Gorse Hill commented: *Given so much licensable activity is going to be outdoors - needs greater emphasis on protecting children.*

#### **Response**

The above comment appears to be a direction that the policy should have greater emphasis on protecting children from harm. The comment does not describe where the policy could improve its emphasis in this area. That being said, this is an important objective and emphasis should rightly be given to this point.

In the revised policy, a sections have been updated on protecting children from harm such as at 11.2 – 11.6. Further, the policy details a commitment from Trading Standards to investigate all complaints or allegations regarding the under-age sale of alcohol and conduct intelligence led test purchase enforcement operations as appropriate.

For the first time, this policy included a section on tackling child sexual exploitation at 11.23 – 11.28

Under 40.0 Other References and Guidance, the policy details a training guide that was produced by the Trafford Strategic Safeguarding Partnership: Safeguarding and Safety Handbook, for Licensed Premises and Licensed Hackney Carriage and Private Hire Drivers. This can be used by Premises Licence Holders to provide training to members of staff.

In the new model conditions, the following conditions have been presented (conditions can only be endorsed on a premises licence if appropriate to do so):

#### **Preventing underage sales**

55. The Challenge [25] scheme must be operated to ensure that any person who appears to be under the age of [25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

56. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that the Challenge [25] scheme is in operation.

57. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.

58. A refusals record must be kept at the premises, which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

### **Children on the premises**

97. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.

98. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.

99. The licence holder and/or DPS shall ensure that any child performer is licensed with Trafford Council and accompanied by a registered chaperone. Documented records should be kept for six months, including the child's name, their licence number and chaperone details.

100. Where children are allowed on the premises, information shall be displayed [location] on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to

Trafford Council via on 0161 912 4242 or [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) or NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.

#### **4. Do you think the draft Trafford Council Statement of Licensing Policy 2021-2026 strikes the right balance between allowing licensed premises to operate / invest and ensuring that the community and the four licensing objectives are protected ? - 4 Licensing Obj met**

Cllr for Gorse Hill commented: *Covid changes things and we need the licensing policy to reflect that.*

Public Health Commented: *The lack of a dedicated Public Health licensing objective nationally remains a concern in ensuring the health of the resident population is effectively safeguarded.*

An individual commented: *If you are going to allow new licensed premises to open right in the middle of town centres then you cannot observe your 4 objectives*

#### **Response**

The thread of this Statement of Licensing Policy attempts to strike the right balance between allowing premises to invest and promoting the licensing objectives. Public Health makes a point which remains relevant in that there is not a Public Health objective, this is the case in Scottish Law, and is a matter of legislation for central government.

## **5. Will the Cumulative Impact Zones in the Policy for both Altrincham & Sale Town Centre's help promote the four licensing objectives ? - CIZones additional**

The only response was from Public Health who commented: *This is welcome as it recognises the potential damage which may result from over-concentration of premises within designated areas.*

### **Response**

Cumulative Impact Policies are included as special measures. Whilst Public Health agrees with the concept of this, evidence has not been provided from any other responses, or indeed Greater Manchester Police on the need to keep the existing policy. The S182 Guidance calls for a Cumulative Impact Policy to be reviewed at 3 year intervals, the policy for Sale and Altrincham is now approaching 5 years old and this review has not produced a significant response to justify keeping the special licensing policy on cumulative impact.

## 6. Do you have any final comments about the draft Trafford Council Statement of Licensing Policy 2021-2026, the existing Cumulative Impact Areas or the suggested Model Conditions? - CIA additional comments

CLLr for Gorse Hill commented: *Needs greater emphasis on late night takeaways. Assumption is that within town centres these will be subject to greater supervision. No consideration to places like Gorse Hill's Chester Road where whilst not a town centre the location on key route from city centre brings a potential for violence and criminal behaviour.*

Public Health commented: *Nothing further.*

An individual commented: *Stop allowing new bars to open. It is like you have got rid of betting shops to prevent 1 form of addiction to then allow it to be converted to a bar so promoting another form of addiction. Makes no sense and then there is the added cost implicated in all this. Trafford need to be promoting healthier ways of living especially as we are now living with Covid 19. You are duty bound to protect your residents instead inflicting more addictions on them.*

### Response

Should a Cumulative Impact Policy be included for Sale and Altrincham then late night takeaways would have been included in this. Gorse Hill was not included in the established zones and would require a fresh consultation specifically on cumulative impact across the borough. The Council has the authority to direct the Licensing Officer to conduct this undertaking if it is considered to be appropriate. S182 Guidance points to reviews on established cumulative impact policies being taken at intervals of no more than three years.

The individual mentions that the Council is closing Betting Shops and then allowing new bars to open in its place. Whilst addiction is a sensitive issue, it is important to acknowledge and manage expectations, the Council has not got rid of any betting premises because no betting premises licence has been subject to review. The betting premises close down due to a commercial decision by the gambling operator. Further, should a cumulative impact remain in place, this does not prevent the Council issuing a licence to an applicant who can demonstrate how they will not add to issues identified in any policy. The lack of a Public Health objective also places the Council on a much weaker footing for taking any such decisions at a strategic level through a Statement of Licensing Policy. Whilst this is not an ideal description of powers available to a local authority, it should be recognised the parameters that a Council Licensing Authority are allowed to operate.

## **7. Do you feel the draft Trafford Council Statement of Licensing Policy 2021-2026 is appropriate in terms of promoting the prevention of public nuisance? - Public Nuisance**

CLLr for Gorse Hill commented: *Covid is going to change lots of things. There needs to be greater recognition that there is a greater pressure to take licensable activities outdoors.*

An individual commented: *Enforcement remains the missing link. As with the previous PSPO, a lack of enforcement by agencies (with reduced resources) was always the main issue. If action and enforcement is not undertaken, the PSPO has little value to the local community.*

### **Response**

Agree with the elected members comment.

The PSPO is being consulted on separately.