



**TRAFFORD**  
**COUNCIL**

**AGENDA PAPERS FOR  
LICENSING SUB-COMMITTEE MEETING**

**Date: Tuesday, 9 December 2014**

**Time: 6.30 pm**

**Place: Council Chamber, Trafford Town Hall, Talbot Road, Stretford,  
Manchester, M32 0TH**

<b>A G E N D A</b>	<b>PART I</b>	<b>Pages</b>
1.	<b>ATTENDANCES</b>	
	To note attendances, including Officers and any apologies for absence.	
2.	<b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 101-103 AYRES ROAD, OLD TRAFFORD, MANCHESTER, M16 7GS</b>	
	To consider a report of the Head of Public Protection.	1 - 74
3.	<b>APPLICATIONS WITH ALL PARTY AGREEMENT (STANDING ITEM)</b>	
	To receive an update on applications where all parties have reached agreement and to decide, in each case, whether to:  Agree that a hearing is not necessary and determine to grant the licence and attach the agreed conditions: or  Agree that a hearing will be necessary with all the parties present.	
4.	<b>URGENT BUSINESS (IF ANY)</b>	
	Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.	

**THERESA GRANT**  
Chief Executive

Membership of the Committee

Councillors C. Candish, B. Sharp and M. Freeman

Further Information

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

Mrs Ruth Worsley, Democratic Services Officer

Tel: 0161 912 2798

Email: [ruth.worsley@trafford.gov.uk](mailto:ruth.worsley@trafford.gov.uk)

This agenda was issued on **Monday, 1 December 2014** 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 are 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.

## AGENDA ITEM NO.

### TRAFFORD COUNCIL

### THE LICENSING SUB-COMMITTEE – 9<sup>TH</sup> DECEMBER 2014

### REPORT OF THE HEAD OF PUBLIC PROTECTION

### REPORT REF. NO.

### APPLICATION FOR THE GRANT OF A PREMISES LICENCE – 101-103 AYRES ROAD, OLD TRAFFORD, MANCHESTER, M16 7GS

### PURPOSE

To advise Members of an application for the Grant of a premises licence for 101-103 Ayres Road, Old Trafford, Manchester M16 7GS which has attracted representations from a local business and residents.

### OPTIONS

The Sub-Committee to take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of subsection 18(4) of the Licensing Act 2003

**Iain Veitch**  
**Head of Public Protection**

#### Further Information From:

Name: Jan Taylor  
Licensing Officer  
Extension: 4047

Proper Officer for the purposes of L.G.A 1972,S.100D  
(background papers): Head of Public Protection

### **Appendices:**

Appendix A1 - Application and Operating Schedule (including premises layout)

Appendix A2 – Applicants Supporting documentation

Appendix B – Map showing area (including representors and licensed premises)

Appendix C – Representation – Mr Imtiaz Shah (represented by Kuits Solicitors)

Appendix D – Representation (in petition format) – Promoter : D Mahon

Appendix E – Secretary of States Guidance – Licensing Objectives:

Crime & Disorder; Public Nuisance; Public Safety; Protection of Children from Harm

Appendix F – Trafford Council Licensing Policy 2011 – 2014 – Licensing Objectives:

Crime & Disorder; Public Nuisance; Public Safety; Protection of Children from Harm

## 1. Background

- 1.1 101 and 103 Ayres Road are commercial properties and are being converted to one commercial premises by the applicant Mr Yadgar Aziz Abdulkadir.



- 1.2 Neither property currently holds a premises licence under the Licensing Act 2003.
- 1.3 The premises are located in a row of varying commercial properties serving a residential area, shown below.



- 1.4 The Committee are respectfully advised that the only Cumulative Impact areas currently identified by the Trafford Licensing Policy are for Sale and Altrincham.

## 2. Application for the Grant of a Premises Licence

- 2.1 On 15<sup>th</sup> October, 2014, the Licensing Section received an application (**Appendix A**) from Mr Yadgar Aziz Abdulkadir for the grant of a premises licence for the premises at 101-103 Ayres Road, Old Trafford, Manchester M16 7GS.
- 2.2 The application requests the licensable activity of sale of alcohol off the premises only from Monday to Sunday 08:00 hours to 22:00 hours.
- 2.3 The applicant has complied with all requirements under the application process including advertising the application in a newspaper, advertising by way of public notice at the premises and submitting a copy of the complete application to all Responsible Authorities. The application is deemed to be correctly submitted.

## 3. Representations

- 3.1 A representation against the application has been received from a local business man via his agent, Kuits Solicitors and is attached as **Appendix C**.
- 3.2 A petition has been received from the promoter of the petition, D Mahon and is attached as **Appendix D**.
- 3.3 The Committee are respectfully advised that the representation and petition received against the application broadly relate to the four Licensing Objectives :
- Crime & Disorder.
  - Prevention of Public Nuisance.
  - Public Safety.
  - Protection of Children from harm.
- 3.3 The Members will be required to determine the relevance of the representations. When considering the relevance of the representations the Licensing Sub-Committee must apply three rules:
- i. the representation must be from a responsible authority or any other person;
  - ii. it must not be repetitious, vexatious or frivolous;
  - iii. it must relate to one or more of the licensing objectives.

#### **4. Licensing Policy and Guidance**

**4.1** The Committee are respectfully referred to the Council's own Licensing Policy relating to the Licensing Act 2003 objectives and to the Secretary of State's Guidance.

- Licensing Objectives – Secretary of State's Guidance - (**Appendix E**).
- Licensing Objectives – Trafford Council Licensing Policy 2011-2014 – (**Appendix F**).

#### **5. Options**

**5.1** The Sub-Committee to take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of subsection 18(4) of the Licensing Act 2003. The steps specified are:

**5.1.1** To grant the licence subject to-

- Conditions consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and;
- Any mandatory conditions which must be included under the Licensing Act 2003;

**5.1.2** to exclude from the scope of the licence any of the licensable activities to which the application relates;

**5.1.3** to refuse to specify a person in the licence as the premises supervisor;

**5.1.4** to reject the application.

**5.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probability and any decision should be based on the individual merits of the application.

**5.3** The Sub-Committee, in arriving at its decision, must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.

# **APPENDIX A1**

## **APPLICATION AND OPERATING SCHEDULE**

**(including premises layout)**



ULH XXX 101-1/1



LA0436/14

Application for a premises licence to be granted under the Licensing Act 2003

DDO: 12/11/14

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We yadgar Aziz Abdulkadir

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
101/103 Ayres oad, Old Trafford TRAFFORD.			
Post town	Manchester	Post code	M16 7GS

Telephone number at premises (if any)	07703671248
Non-domestic rateable value of premises	£ 190

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)



- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - o statutory function or
  - o a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Abdulkadir			<b>First names</b> Yadgar Aziz		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
<b>Current postal address if different from premises address</b>		3d Nigel Road			
<b>Post Town</b>	Manchester			<b>Postcode</b>	M9 4LB
<b>Daytime contact telephone number</b>			07703671248		
<b>E-mail address (optional)</b>		mzda@me.com			

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
<del>1</del>	<del>1</del>	<del>2</del>

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
1	1	1

Please give a general description of the premises (please read guidance note 1)

convenience store

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	Both <input type="checkbox"/>
Mon				
Tue				
Wed				State any seasonal variations for performing plays (please read guidance note 4)
Thur				
Fri				
Sat				
Sun				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day		Start		Finish	Both
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon	08:00	22:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	08:00	22:00			
Wed	08:00	22:00			
Thur	08:00	22:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	08:00	22:00			
Sat	08:00	22:00			
Sun	08:00	22:00			

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

<b>Name</b> Yadgar Azloz Abduikadir	
<b>Address</b> 3d Nigel Road Manchester	
<b>Postcode</b>	M9 4LB
<b>Personal Licence number (if known)</b> 167107	
<b>Issuing licensing authority (if known)</b> Manchester city Council	

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

We'll have

1-CCTV both within and outside the premises in accordance with the code of practice issued by the information commissioner from time to time e.g. warning signs.

2-Proof of age schemes.

3-a personal licence holder to be on duty at the premises during opening hours, or particularly at high risk times.

**b) The prevention of crime and disorder**

1-sales are not made to under 18 year olds or to persons where there are grounds to believe that the sale will result in crime and disorder

2-sales are not made by anyone under 18 years old unless under close supervision by someone who is over 18 years of age.

\* REFUSALS. LOG TO BE KEPT & PRODUCED ON REQUEST.

**c) Public safety**

Health and safety to be referred to in the operating schedule for all premises.

**d) The prevention of public nuisance**

There will be no noise or any variation.

**e) The protection of children from harm**

We'll

1-ensuring alcohol sales are not made to under 18 year olds and

2-ensuring that only over 18 year olds sell alcohol or under 18 year olds are closely supervised doing so

3-ensuring that health and safety risk assessments have taken the possible presence of children into account in areas where they will be permitted access


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	Yadgar Aziz Abdulkader 
Date	<del>13/10/2014</del> 15/10/2014
Capacity	owner

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			





Consent of individual to being specified as premises supervisor

I, YADGAR AZIZ ABDULKADIR  
(full name of prospective premises supervisor)

of

3D NIGEL ROAD  
(home address of prospective premises supervisor)

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Convenience Store  
(type of application)

by

YADGAR AZIZ ABDULKADIR  
(name of applicant)

relating to a premises licence 101/103 Ayres Road Old Trafford  
(number of existing licence, if any) M16 7GS

for

101/103 Ayres Road Manchester, M16 7GS  
(name and address of premises to which the application relates)

and any premises licence to be granted or varied in respect of this application made by

YADGAR AZIZ ABDULKADIR  
.....  
(name of applicant)

concerning the supply of alcohol at

101-103 AYRES ROAD, OLD TRAFFORD  
.....  
(name and address of premises to which the application relates)

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence Number

167105  
.....  
(insert personal licence number, if any)

Personal licence issuing authority

MANCHESTER CITY ~~COUNCIL~~ Council  
.....  
(insert name and address and telephone number of personal licence issuing authority, if any)

Signed

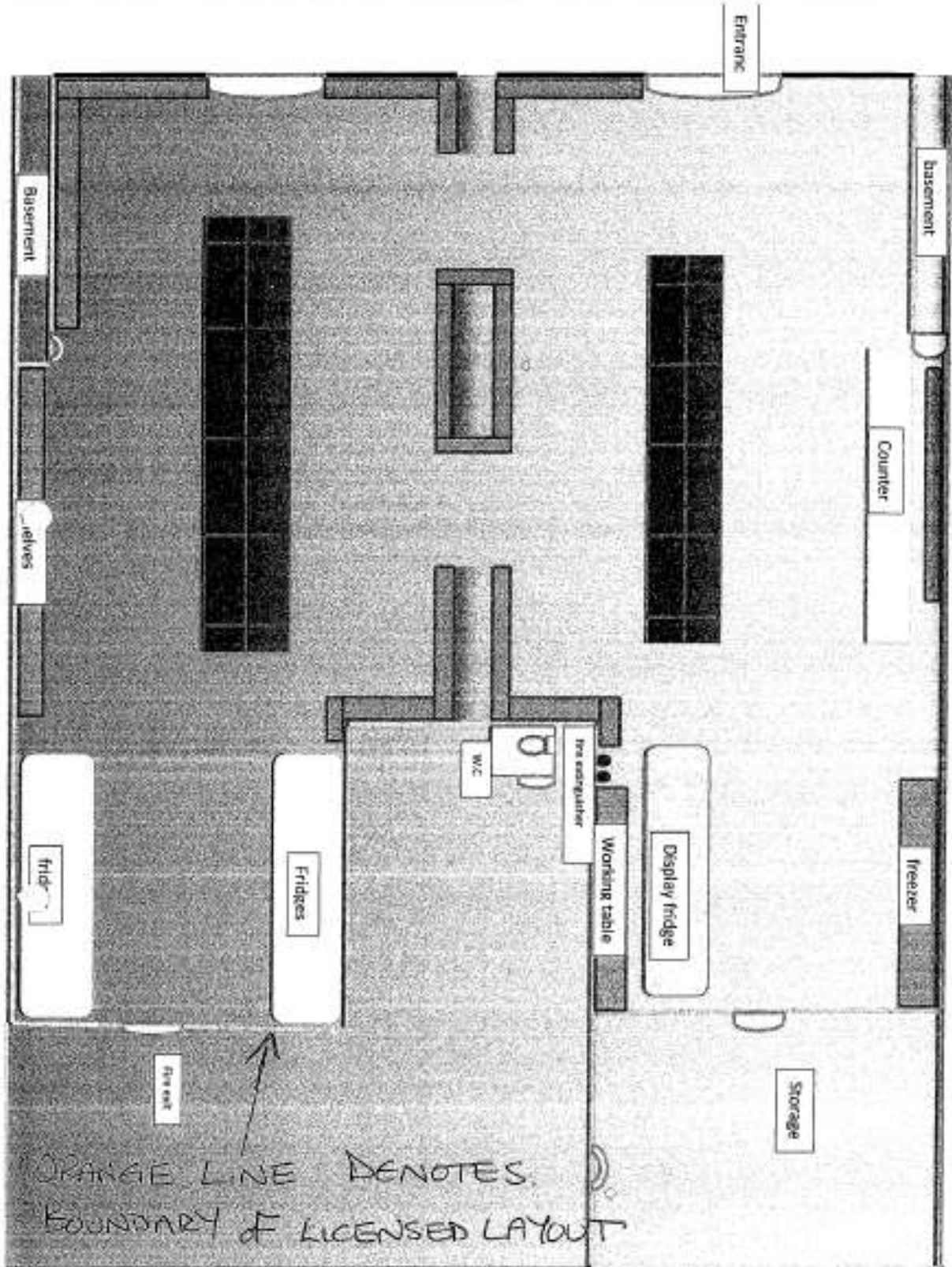


Name

YADGAR AZIZ ABDULKADIR  
.....

Date

15/10/14  
.....



ORANGE LINE DENOTES  
BOUNDARY OF LICENSED LAYOUT

OFF LENCE, 101-103 AYRES ROAD, OLD TRAFFORD  
MANCHESTER M16 7GS.



# **APPENDIX A2**

## **Applicants Supporting Documentation**

**PREMISES LICENCE APPLICATION**  
**101/103 AYRES ROAD, OLD TRAFFORD**



Page 1 = promotional leaflet

Page 2 = location of Council CCTV camera covering forecourt

Page 3/4 = delicatessen interior

Page 5 = EPOS till with Challenge 25 till prompt

Page 6 = CCTV and proof of age signage

**PREMISES LICENCE APPLICATION  
101/103 AYRES ROAD, OLD TRAFFORD**



**PREMISES LICENCE APPLICATION  
101/103 AYRES ROAD, OLD TRAFFORD**



3



**PREMISES LICENCE APPLICATION  
101/103 AYRES ROAD, OLD TRAFFORD**



4

**PREMISES LICENCE APPLICATION  
101/103 AYRES ROAD, OLD TRAFFORD**



5

**PREMISES LICENCE APPLICATION  
101/103 AYRES ROAD, OLD TRAFFORD**



5

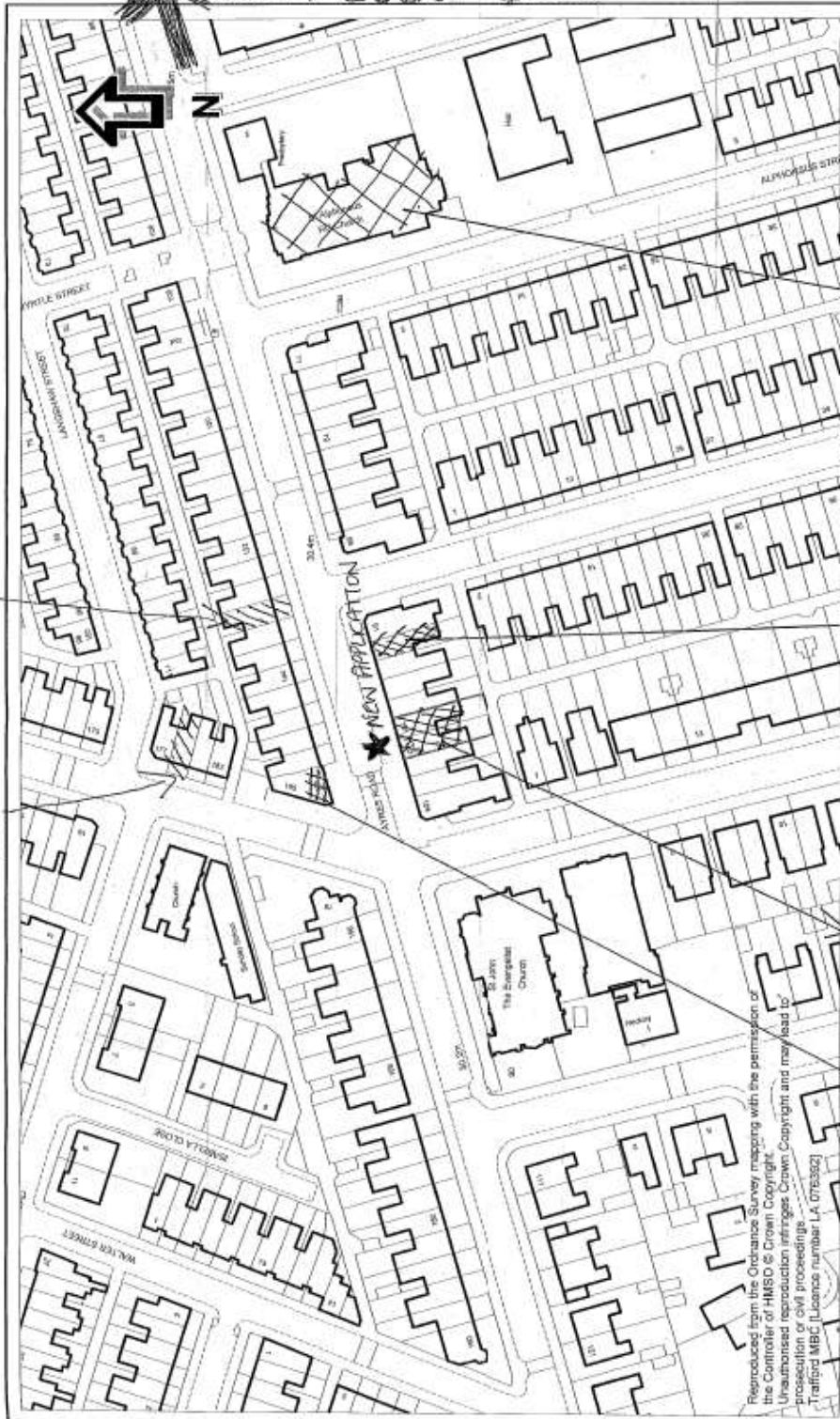


# **APPENDIX B**

**Map showing area**

**(including representors and licensed premises)**

PETITION PROMOTER R1  
PROMOTER R2



PL0002914  
COOLCOUNTRY  
145-147 AYRES RD  
08.00 to 25.00

PL0006194  
CELLAR &  
55 AYRES RD  
08.00 to 25.00

PL0006194  
FURNITURE  
61 AYRES RD  
08.00 to 25.00

File No. Nov 04  
Date  
Scale 1/1250  
Drawn KI  
Area (or thereabouts):  
PL000343  
ST MICHAEL'S PARISH CENTRE  
& POWELL STREET  
08.00 to 25.00 (off)

6 AR 18 A  
PL000112  
93 AYRES ROAD  
09.00 to 22.00 (off)

101/103 AYRES ROAD  
OLD TRAFFORD  
08.00 to 22.00 (off)

TRAFFORD COUNCIL

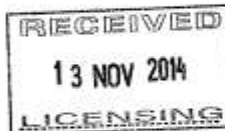
PL000133 Bottle Tops  
154 AYRES RD.  
08.00 to 25.00 (off)

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# **APPENDIX C**

## **REPRESENTATION 1**

Trafford Metropolitan Borough Council  
Licensing Section  
Trafford Town Hall  
Talbot Road  
Stretford  
M32 0TH



Your Ref:  
Our Ref: RLLRLI.SHA297.1

12 November 2014

**BY POST AND EMAIL to: [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)**

Dear Sirs

**Objection to Premises Licence 101 – 103 Ayres Road, Old Trafford**

We refer to the recent application (LA0436) made for a new premises licence for off sales between the hours of 08:00 and 22:00 Monday to Sunday. We would like to submit an objection on behalf of Ibrahim Shah of 138 Ayres Road, Old Trafford, Manchester M16 7QT on the grounds outlined below.

Mr Shah is himself the proprietor of an off licence on Ayres Road, as well as an Ayres Road resident, but he has become concerned about the impact that the volume of off licences on his street are having on the local community, and the furtherance of the licensing objectives.

**Crime and Disorder**

There is already a large volume of off licences in the Ayres Road area. The competition between local off licences inevitably drives down prices, meaning that cheap alcohol is freely available in the area. This can lead to heavy drinking causing drunk and disorderly and anti-social behaviour. Any further off licences will only create further problems in the area.

Additionally, the premises is located in close proximity to Old Trafford Football Ground. Trafford Council's licensing policy states, at 6.20 that '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', and at 6.21 that the 'Police's experience is that a high percentage of those arrested or ejected have consumed alcohol in or near to the ground.' Again, increasing the number of off licences where football fans can purchase alcohol en route to matches will only increase these problems.

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Finally, as stated in Trafford Council's licensing policy (at 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'. There is no doubt that the volume of off-licences in the Ayres Road area is now having a cumulative impact, causing issues with crime and disorder and anti-social behaviour fuelled by alcohol. An additional off licence can only serve to exacerbate these issues.

We enclose by way of support a map showing the concentration of off licences in the Ayres Road area.

#### Public Nuisance

The volume of premises in the area also has the potential to cause noise nuisance issues for local residents. Firstly, residents living around the proposed premises will suffer noise nuisance from people entering and leaving the premises up until 22:00, some of whom are likely to be intoxicated and therefore causing more noise.

Secondly, there are significant problems with traffic and parking on Ayres Road, which causes a further noise nuisance for residents. A number of patrons of the proposed new premises are likely to visit by car. It is residents' experience that they often find it difficult to park and therefore leave car engines running on the road outside while passengers enter the premises to make their purchase.

Additionally, a premises of this size is likely to require regular deliveries meaning that loading and unloading of bottles could take place on a regular basis causing further noise disturbance to residents.

The previous uses of the premises as a newsagent, used mostly by local people visiting on foot, and a carpet shop, did not pose the above issues in terms of volume of traffic and the resultant noise.

#### Public Safety

The problems with traffic on Ayres Road also pose significant problems to public safety. There is a danger that patrons of the premises will park dangerously on pavements or block the road as they try to visit the premises. This makes crossing the road very dangerous for local residents who have to step out between parked cars, and navigate around vehicles waiting in the road.

#### Protection of Children from Harm

Mr Shah is concerned that number 99 Ayres Road, directly next door to the proposed new premises, is currently used for private tuition by Trafford Learning Institute – teaching 30-40 children per day. Access to alcohol. Subjected to drunk/disorderly behaviour. It is clearly not an ideal location for an off licence, where children may encounter intoxicated customers and also possibly be tempted to attempt to purchase alcohol through patrons of the premises.

Indeed, a greater number of off licences in the area inevitably increases the risk of young people being able to obtain access to alcohol.

Additionally, Mr Shah and other off licence owners in the area are also local residents and active members of the local community. They are vigilant to ensure that young members of the local community cannot obtain access to alcohol, and moreover are willing to highlight these issues to responsible adults if they arise. There is a concern that premises operators who do not have such a strong connection to the local area will not show the same level of vigilance.

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For the reasons outlined above, we believe this application should be refused in order to comply with the council's Statement of Licensing Policy and to promote the licensing objectives.

As an additional concern, Mr Shah would like Trafford Council to note the diminishing diversity in local businesses in the area. In the past 6 months 9 businesses have closed down in the Ayres Road area, including newsagents, sweet shops, butchers and restaurants. It cannot be in the interests of the local area to allow these to be replaced with more and more off licences.

Should you require any further information in respect of this objection, please contact Rebecca Ingram at this office.

Yours faithfully

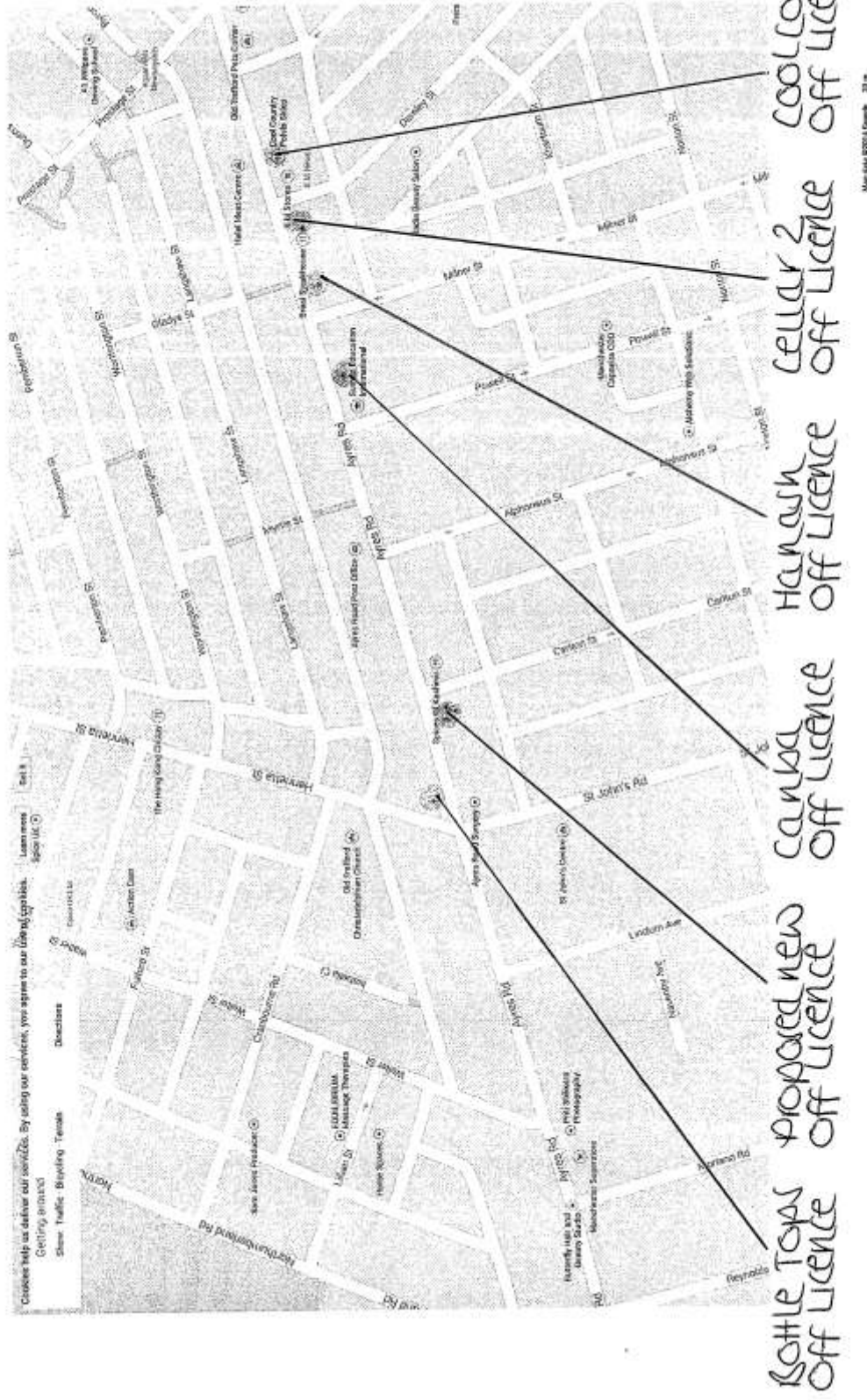


**Kuit Steinart Levy LLP**

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# Off Licences in the Ayres Road Area.



<https://www.google.co.uk/maps/@53.4587687,-2.2665312,18z>

07/11/2014



# **APPENDIX C**

## **REPRESENTATION 2**

## NO MORE OFF LICENCES ON AYRES ROAD

We the undersigned do not support the application for further off-licensed premises on Ayres Road. We have 5 off-licensed shops within walking distance of each other. The location of this premises is next to a children's tuition centre, a doctors surgery and an opticians and is on a particularly busy junction of Ayres Rd. Traffic will increase, which will put the public at risk due to parking, especially on the pavement (which already happens). Due to the hours applied for there is a particular concern to the safety of children on this main route to and from school, and those accessing the tuition centre. Limiting the variety of businesses supporting the local community, rather than creating the 'town centre' that Old Trafford desperately needs as part of its economic regeneration, further compounds existing problems. We ask Trafford Council to support us in wanting no more off licences on Ayres Rd., increasing risks to our children.

no	NAME	ADDRESS	POSTCODE	SIGNATURE
1	D Mahon	179 HENRIETTA ST OLD TRAFFORD	M16 9GA	D. Mahon
2	B. HOWLEY	153 HENRIETTA ST O/T	M16 9PS	B. Howley
3	I TOTI2	46 Fulford St	M16 9R2	I. Toti
4	G TURNER	64 Worthington St M16 9LA	M16 9LA	G. Turner
5	A. Boardman	68 Langshaw St M16 9LD	M16 9LD	A. Boardman
6	K MORRIS	74 Langshaw St M16 9LD	M16 9LD	K. Morris
7	M. Kowalczyk	170 Ayres Rd M16 9QB	M16 9QB	M. Kowalczyk
8	D CASELLI	168 AYRES ROAD	M16 9QB	D. Caselli
9	C. McCrory	172 Ayres Road	M16 9QB	C. McCrory
10	R. MEEHAN	183 HENRIETTA	M16 9GA	R. Meehan
11	A BROWN	184 AYRES RD	M16 9QB	A. Brown
12	D. JONES	186 AYRES RD	M16 9QB	D. Jones
13	N. Barnes	186 Ayres Rd	M16 9QB	N. Barnes
14	J LENO	186 AYRES RD	M16 9QB	J. Leno
15	J Corbett	186 Ayres Rd	M16 9GA	J. Corbett

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## NO MORE OFF LICENCES ON AYRES ROAD

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no	NAME	ADDRESS	POSTCODE	SIGNATURE
16	Corrina Dunn	1 QUANTOCK ST MANCHESTER	M16 7AE	<i>[Signature]</i>
17	STEPHEN WILLIAMS	25 KINGS ROAD OLD TRAFFORD	M16 7SB	<i>[Signature]</i>
18	Sarah Pitt	125 Hennetta Street	M16 9PN	<i>[Signature]</i>
19	O. Townsend	15 Ashmunts O/T.	M16 9B	<i>[Signature]</i>
20	S. Berry	105 Langshaw ST	M16 9ID	<i>[Signature]</i>
21	P. Moran	2 WHITTHORN AVE W/RANGE	M16 7RE	<i>[Signature]</i>
22	M. Roswell	1 WHITBY AVE	M16 9UY	<i>[Signature]</i>
23	A. Green	16 LILIAN ST	M16 9QD	<i>[Signature]</i>
24	C. Lewis	21 WALTER STREET	M16 9GB	<i>[Signature]</i>
25	C Morgan	11 ST JOHNS	M16 7QX	<i>[Signature]</i>
26	N. Sadders	16 Cranbourne Ct	M16 9PZ	<i>[Signature]</i>
27	S. McPHAIL	99 KINGS ROAD	M16 9WY	<i>[Signature]</i>
28	SANDRO JOEL	150, AYRES ROAD	M16 7QT	<i>[Signature]</i>
29	A. BUBBLE	20 ST JOHNS	M16 7EX	<i>[Signature]</i>
30	H. HAZEL	15 ST JOHNS RD	M16 7QX	H. Hazel

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## NO MORE OFF LICENCES ON AYRES ROAD

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no	NAME	ADDRESS	POSTCODE	SIGNATURE
31	Shigo	13 BEVER ST OLD TRAFFORD	M16 4JR	<i>Shigo</i>
32	B. O'CALLAGHAN	156 AYRES RD OLD TRAFFORD	M16 7QB	<i>B. O'Callaghan</i>
33	S. URQUHART	48 ST JOHNS RD OLD TRAFFORD	M16 7GE	<i>S. Urquhart</i>
34	C. FEINMANN	49 THORPE ST.	M16 9RR	<i>C. Feinmann</i>
35	H. BROWN	34 CRANBURNERS	M16 9PZ	<i>H. Brown</i>
36	Christine	11 Grandale Drive	M16 9BA	<i>Christine</i>
37	A. JONES	81 Kings	M16 9GF	<i>A. Jones</i>
38	LUKE MATTHEWS	157 HENRIETTA STREET OLD TRAFFORD	M16 9PS	<i>L. Matthews</i>
39	PADDY O'NEILL	173 HENRIETTA ST	M16 9PS	<i>Paddy O'Neill</i>
40	Justine Saclen	8 Colton Str. M16 7QT	M16 7LT	<i>Justine Saclen</i>
41	JOE HYNES	171 HENRIETTA ST	M16 9PS	<i>Joe Hynes</i>
42	SCOTT ALEXANDER	158 MOOR RD	M16 9QA	<i>Scott Alexander</i>
43	S. AIKENS	9 WARRISY AV	M16 9WY	<i>S. Aikens</i>
44	A. TUNNAH	142 Ayres Rd	M16 7QT	<i>A. Tunnah</i>
45	T. LAGAN	39 SALBURN ST OLD TRAFFORD	M16 9TB	<i>T. Lagan</i>

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**NO MORE OFF LICENCES ON AYRES ROAD**

We the undersigned do not support the application for further off-licensed premises on Ayres Road. We have 5 off-licensed shops within walking distance of each other. The location of this premises is next to a children's tuition centre, a doctors surgery and an opticians and is on a particularly busy junction of Ayres Rd. Traffic will increase, which will put the public at risk due to parking, especially on the pavement (which already happens). Due to the hours applied for there is a particular concern to the safety of children on this main route to and from school, and those accessing the tuition centre. Limiting the variety of businesses supporting the local community, rather than creating the 'town centre' that Old Trafford desperately needs as part of its economic regeneration, further compounds existing problems. We ask Trafford Council to support us in wanting no more off licences on Ayres Rd., increasing risks to our children.

no	NAME	ADDRESS	POSTCODE	SIGNATURE
46	Hajar Garua	95 A Ayres RD	M16 7GS	<i>[Signature]</i>
47	Louis carmine	159 Ayres RD	M16 7GS	<i>[Signature]</i>
48	M COOPER	32 KINGS CR	M16 6LY	<i>M. Cooper</i>
49	C. INCE	19 KINGS CR	M16 6LY	<i>C. Ince</i>
50	A Douglas	"	"	<i>A Douglas</i>
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10/11/2014

Dear: Licensing Officer

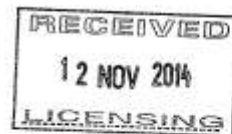
Over the last two weeks we've been able to gather a fair amount of signatures from people living in the Old Trafford area, these people strongly feel against the idea of another off license opening up.

We have outlined the reasoning of our objections at the top of our petition; making it clear to Trafford council another off licence would be unacceptable.

Therefore we kindly request that you take our petition into consideration when making your final decision on whether or not another off license should open up in Old Trafford, on Ayres Road.

Kind regards,

Old Trafford residents





## **APPENDIX E**

**– Secretary of States Guidance –**

### **Licensing Objectives:**

**Crime & Disorder;  
Public Nuisance;  
Public Safety;  
Protection of Children from Harm**

# Secretary of States Guidance

## The licensing objectives

### CRIME AND DISORDER

- 2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local CDRP, as recommended in paragraph 1.21 of this Guidance.
- 2.2 The Government's expectation is that the police will have a key role in undertaking the following tasks:
- developing a constructive working relationship with licensing authority licensing officers and bodies such as the local authority social services department, the Area Child Protection Committee or another competent body;
  - developing a constructive working relationship with designated premises supervisors and other managers of premises, including premises providing late night refreshment;
  - advising, where necessary, on the development of a venue drug policy;
  - developing a constructive working relationship with the Security Industry Authority including joint visits and enforcement action where appropriate;
  - agreeing the protocols for actions taken by door supervisors in relation to illegal drugs or violent behaviour, particularly when police officers should be called immediately;
  - advising on and approving search procedures and the storage procedures for confiscated drugs;
  - gathering and sharing intelligence on drug dealing and use with partner organisations and local venues;
  - advising on the installation and monitoring of security devices such as CCTV;
  - advising on the provision of safe and accessible transport home in consultation with community safety colleagues, local transport authorities and transport operators;
  - working with venue owners and managers to resolve drug-related problems and problems of disorder, drunkenness and anti-social behaviour; and
  - advising on the protection of employees on licensed premises who may be targets for attacks and reprisals.
- 2.3 The Security Industry Authority also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity and that door supervisors are properly licensed. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. In the exercise of their functions licensing authorities should seek to co-operate with the SIA as far as possible and consider adding relevant conditions to licences where necessary and appropriate.

- 2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave.
- 2.5 Licence conditions should not replicate licensing offences that are set out in the 2003 Act. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on his premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.
- 2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television cameras both inside and immediately outside the premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. Some licensees may wish to have cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.7 Similarly, the provision of requirements for door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying firearms do not enter the premises, reducing the potential for crime and disorder, and that the police are kept informed.
- 2.8 Text and radio pagers allow premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.
- 2.9 Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass).
- 2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only necessary but both practical and achievable.
- 2.11 Similarly, although most commonly made a condition of a licence on public safety grounds, licensing authorities should also consider conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding likely to lead to disorder and violence. If such a condition is considered necessary, the licensing authority should consider whether door supervisors are needed to control numbers.

- 2.12 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the competency of the management team charged with the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.13 The designated premises supervisor is the key person who will usually be charged with day to day management of the premises by the premises licence holder, including the prevention of disorder. However, conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.  
A condition of this kind could only be justified as necessary in rare circumstances where it could be demonstrated that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.14 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained and licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act ensure, for example, that the prevention of disorder is in sharp focus for all such managers, licence holders and clubs.
- 2.15 Communications between the managers of the premises and the police can also be crucial in preventing crime and disorder. Involvement by operators and managers in voluntary schemes and initiatives may be particularly valuable. Conditions requiring dedicated text or pager links between management teams and local police stations can provide early warning of disorder and also can be used to inform other licence holders that a problem has arisen in the area generally. For example, where a gang of youths is causing problems in one public house and their eviction will only result in them going on elsewhere to cause problems on other premises, there is advantage in communication links between the police and other licensed premises and clubs.
- 2.16 However, while this may be necessary and effective in certain parts of licensing authority areas, it may be less effective or even unnecessary in others. Police views on such matters should be given considerable weight and licensing authorities must remember that only necessary conditions, which are within the control of the licence holder or club, may be imposed.

- 2.17 The Indecent Displays Act 1981 prohibits the public display of indecent matter, subject to certain exceptions. It should not therefore be necessary for any conditions to be attached to licences or certificates concerning such displays in or outside the premises involved. For example, the display of advertising material on or immediately outside such premises is regulated by this legislation. Similarly, while conditions relating to public safety in respect of dancing may be necessary in certain circumstances, the laws governing indecency and obscenity are adequate to control adult entertainment involving striptease and lap-dancing which goes beyond what is lawful. Accordingly, conditions relating to the content of such entertainment which have no relevance to crime and disorder, public safety, public nuisance or the protection of children from harm could not be justified. In this context, however, it should be noted that it is in order for conditions relating to the exclusion of minors or the safety of performers to be included in premises licence or club premises certificate conditions where necessary. The Local Government (Miscellaneous Provisions) Act 1982 insofar as its adoptive provisions relate to sex establishments – sex shops, sex cinemas and in London sex encounter establishments – also remains in force.
- 2.18 Guidance to the police on powers to close premises (formerly Chapter 11 of this Guidance) can now be found on the DCMS website at [www.culture.gov.uk](http://www.culture.gov.uk).

## PUBLIC SAFETY

- 2.19 Licensing authorities and responsible authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. There will of course be occasions when a public safety condition could incidentally benefit health, but it should not be the purpose of the condition as this would be ultra vires the 2003 Act. Accordingly, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.20 From 1 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 have ceased to have effect. Licensing authorities should note 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 should not seek to impose fire safety conditions where the Order applies.
- 2.21 The exception to this will be in cases 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 local authorities enforce 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.
- 2.22 The Fire Safety Order applies in England and Wales. It 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.



- 2.23 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.
- 2.24 The local fire and rescue authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken, they may issue an enforcement notice that requires the responsible person to make certain improvements or, in extreme cases, issue a prohibition notice that restricts the use of all or part of the premises until improvements are made.
- 2.25 Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website [www.communities.gov.uk/fire](http://www.communities.gov.uk/fire).
- 2.26 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be unnecessary for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if necessary, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or interested parties, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make clear their expectations in this respects to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.
- 2.27 “Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be unnecessary to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.28 As noted above, a capacity limit should not be imposed as a condition of the licence on fire safety grounds (unless the licensing authority and the enforcing authority for fire safety purposes are the same) since, under article 43 of the Fire Safety Order, it would have no effect and so would not be enforceable.

- 2.29 The special provisions made for dancing, amplified and unamplified music in section 177 of the 2003 Act apply only to premises with a “permitted capacity” of not more than 200 persons. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority who will consider it and then decide what the “permitted capacity” of those premises should be.
- 2.30 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1995/1129) which contained a significant number of regulations in respect of fire safety provision at cinemas, no longer apply, applicants taking advantage of the “grandfather rights” pursuant to Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering variation applications or applications for new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.
- 2.31 Public safety includes the safety of performers appearing at any premises.

## PUBLIC NUISANCE

- 2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.<sup>2</sup>

- 2.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.
- 2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.
- 2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.
- 2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.
- 2.40 The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour.

## PROTECTION OF CHILDREN FROM HARM

- 2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.
- 2.42 However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children.
- 2.43 The Secretary of State intends that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the 2003 Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. Licensing authorities, the police and other authorised persons should focus on enforcing the law concerning the consumption of alcohol by minors.
- 2.44 Conditions relating to the access of children which are necessary to protect them from harm are self evidently of great importance.  
As mentioned in connection with statements of licensing policy in Chapter 13 of this Guidance, issues will arise about the access of children in connection with premises:
- where adult entertainment is provided;
  - where a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider in the company of adults during a table meal);
  - where it is known that unaccompanied children have been allowed access;
  - where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
  - with a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises (but not small numbers of cash prize machines);
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 2.45 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. Such trading practices should be obvious from the operating schedule or club operating schedule provided with the relevant application allowing the framing of an appropriate, time-limited condition.

- 2.46 Similarly, gambling may take place in part of a leisure centre but not in other parts of those premises. This means that the access of children will need to be carefully considered by applicants, licensing authorities and responsible authorities. In many respects, it should be possible to rely on the discretion and common sense of licence and certificate holders. However, licensing authorities and responsible authorities should still expect applicants when preparing an operating schedule or club operating schedule to state their intention to exercise discretion and where they are necessary, to set out the steps to be taken to protect children from harm when on the premises.
- 2.47 Conditions, where they are necessary, should reflect the licensable activities taking place on the premises and can include:
- where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made, to ensure that sales are not made to individuals under 18 years (whether the age limit is 18 or 16 as in the case of the consumption of beer, wine and cider in the company of adults during a table meal);
  - restrictions on the hours when children may be present;
  - restrictions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place
- 2.48 The Secretary of State considers that representations made by the child protection bodies and the police in respect of individual applications should be given considerable weight when they address necessary issues regarding the admission of children.
- 2.49 The 2003 Act provides that 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 a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.50 The admission of children to theatres, as with other licensed premises, should not normally be restricted. However, theatres may present a range of diverse activities. The admission of children to the performance of a play should normally be at the discretion of the licence holder and no condition restricting their access to plays should be attached. However, theatres may also present a wide range of entertainment including, for example, variety shows incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainments may also be presented at theatres specifically for children. It may be necessary to consider whether a condition

should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during any emergency.

#### Offences relating to the sale and supply of alcohol to children

2.51 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under s.154 of the Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

#### Table of relevant offences under the 2003 Act

Section	Offence
Section 145	Unaccompanied children prohibited from certain premises
Section 146	Sale of alcohol to children
Section 147	Allowing the sale of alcohol to children
Section 147A	Persistently selling alcohol to children
Section 148	Sale of liqueur confectionery to children under 16
Section 149	Purchase of alcohol by or on behalf of children
Section 150	Consumption of alcohol by children
Section 151	Delivering alcohol to children
Section 152	Sending a child to obtain alcohol
Section 153	Prohibition of unsupervised sales by children



## **APPENDIX F**

**– Trafford Council Licensing Policy 2011 – 2014 –**

### **Licensing Objectives:**

**Crime & Disorder;  
Public Nuisance;  
Public Safety;  
Protection of Children from Harm**



## **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 new mandatory condition which prohibits irresponsible promotions – see para. 11.13 Mandatory Conditions.
- 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.
- 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

- Steps taken or proposed to prevent children from purchasing cigarettes from vending machines
  - 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 The Council will expect cigarette vending machines to be in sight and under the supervision of bar staff in accordance with the appropriate code of practice.
- 9.12 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

- 9.13 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.

- 9.14 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.
- 9.15 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.
- 9.16 The Council will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.
- 9.17 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

- 9.18 Where children are present at an event as entertainers, the Council will expect an adult to be nominated as responsible for such child performers.
- 9.19 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.
- 9.20 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.